

Chapter 26

PARKING*

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ARTICLE I. IN GENERAL

DIVISION 1. PARKING MANAGEMENT

Sec. 26-1. Short title.

This chapter may be known and cited as the Parking Ordinance.
(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley means any street, as herein defined, of 20 feet or less in width having no legal or official name other than "alley."

Animal has the meaning ascribed in Texas Agricultural Code section 141.001 which states an animated being that is not human and has the power of voluntary action.

Appearance means either:

- (1) The entry of an appearance, in person or through legal counsel, in the municipal court system to contest a parking citation and the making of a bond in any manner authorized by law and approved by the municipal courts to secure appearance at the administrative hearing, as applicable; or
- (2) The uncontested disposition of a parking citation by payment in good and sufficient funds received by the park-

***Editor's note**—Ord. No. 07-464, § 7(Exh. B), adopted April 11, 2007, amended Ch. 26, in its entirety to read as herein set out. Formerly said chapter pertained to off-street parking and loading and derived from Ord. No. 89-712, § 2, adopted 5-17-89 and subsequent amendatory ordinances. See the Code Comparative Table for a complete derivation.

Cross references—Ambulances, Ch. 4; automotive dealers and auto wreckers, Ch. 8; manufactured homes and recreational vehicles, Ch. 29; parking rates for parking facilities, Ch. 12, div. 4; streets and sidewalks, Ch. 40; traffic, Ch. 45; vehicles for hire, Ch. 46.

ing official in the applicable amount established by the municipal courts for the uncontested payment of the fine for the parking citation, including all applicable fees and costs.

Authorized emergency vehicle means any vehicle of the fire department (fire patrol), any police vehicle, any public or private ambulance for which a permit has been issued by the state board of health, any emergency vehicles of a municipal department or public service corporation as may be designated or authorized by the city council, any private vehicle operated by a volunteer fire fighter or certified emergency medical services volunteer while answering a fire alarm or responding to a medical emergency, and any vehicle operated by a blood bank or tissue bank, accredited or approved under the laws of this state or the United States, while making emergency deliveries of blood, drugs or medicines, or organs.

Blockface means that portion of a block that abuts a street between two intersecting streets.

Bus means a motor vehicle designed for carrying more than ten passengers and used for the transportation of persons, and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

Bus zone means the area or space officially set apart within a roadway by appropriate signs or markings for the exclusive use of buses for loading and unloading passengers.

Central business district means the area beginning at the intersection of the centerline of U.S. 59 and the centerline of I.H. 45; thence in a northeasterly and northerly direction along the centerline of I.H. 45 to its intersection with the centerline of I.H. 10; thence in an easterly direction along the centerline of I.H. 10 to its intersection with the centerline of U.S. 59; thence in a southwesterly direction along the centerline of U.S. 59 to its intersection with I.H. 45, the point of beginning.

Commercial vehicle means a truck or other vehicle that either displays a valid permit issued pursuant to article IV of this chapter or

upon which the name, logo, or other designation of the person owning or operating the vehicle is painted or otherwise affixed to the vehicle in letters or markings at least two inches in height.

Department means the convention and entertainment facilities department.

Director means the director of the convention and entertainment facilities department.

Driver means any person who drives or is in actual physical control of a vehicle.

Esplanade has the meaning ascribed in section 33-101 of this Code.

House trailer means a trailer or semi-trailer:

- a. That is designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways; or
- b. Whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in subsection a., but is used instead permanently or temporarily for the advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

Large vehicle means a "motor vehicle" or a "trailer," as defined herein, that is in excess of eight feet in height at the highest point on the vehicle or trailer or in excess of 30 feet in length. To the extent that any motor vehicle is coupled or otherwise attached to a trailer, then the motor vehicle and trailer shall together be deemed as constituting a single large vehicle if the combined length of the motor vehicle and trailer exceeds 30 feet.

Legal holidays means and includes only such holidays as are officially designated by the city council.

Livestock has the meaning ascribed in Texas Agricultural Code Section 1.003.

Median strip means the dividing area, either landscaped or paved, between opposing highway traffic lanes.

Meter means a parking meter that has been installed by or on authority of the city.

Motor vehicle means any vehicle that is self-propelled or propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Off-street parking means vehicular parking that is provided in a location other than in a public right-of-way.

Owner means a person, other than a lienholder, having the property interest in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

Park or *parking* means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading passengers or merchandise except an involuntary stopping of such vehicle by reason of mechanical failure or direction of a police officer.

Parking citation means a citation, returnable in the municipal courts of the city, issued for the alleged violation of any city ordinance or state penal law regarding the parking of vehicles.

Parking enforcement officer means an employee of the department assigned to enforce the provisions of this chapter.

Parking management division means that portion of the department responsible for on-street parking, off-street metered parking, temporary restriction of access to metered parking, commercial vehicle loading zone permits, residential parking permits, newsrack permits, and such other parking responsibilities as may be designated by the director from time to time.

Parking meter collector means an employee of the department assigned to collect revenue from and perform repair and maintenance services on parking meters.

Parking official means the director or such other person as the director may designate to act as the parking management official of the city and the said official's designee.

Pedestrian means any person afoot.

Pole trailer means any vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members, capable, generally, of sustaining themselves as beams between the supporting connections.

Police officer means any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Rental vehicle means a motor vehicle operated pursuant to a lease, rental agreement, independent contractor vehicle for hire operating agreement, or other transaction whereby in exchange for monetary or other valuable consideration one person ("the lessor") transfers the right to possess and operate a motor vehicle to another person ("the lessee").

Residential district means the territory contiguous to and including a street or highway when the property on such street or highway for a distance of 300 feet or more is in the main improved with residences.

Roadway means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel. In the event a street or highway includes two or more separate roadways, the term "roadway" shall refer to any such roadway separately but not to all such roadways collectively.

Semi-trailer means a vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Sidewalk means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

Stop, stopping, standing, when prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

Street or highway means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Taxi zone means the area or space officially set apart within a roadway by appropriate signs or markings for the exclusive use of taxicabs licensed as such by the city.

Traffic means pedestrians, ridden or herded animals, vehicles, and other conveyances, either singly or together, while using any street or highway for purposes of travel.

Traffic-control devices. All signs, signals, markings, and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

Traffic island means a raised area over which vehicles may not pass, placed at a junction of streets or between opposing traffic lanes.

Trailer means any vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Valet zone means the area or space officially set apart within a roadway by appropriate signs or markings for the use of valet service providers operating under permit issued by the city.

Vehicle means any device in, upon, or by which any person or property is or may be

transported or drawn upon a street or highway, excepting devices used exclusively upon stationary rails or tracks.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-3. Compliance.

It is unlawful, unless otherwise declared in this chapter with respect to particular offenses, for any person to do any act forbidden or fail to perform any act required in this chapter.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-4. General powers and duties of parking official.

The parking official has responsibility for the enforcement of this article, as more particularly provided herein. It shall be the duty of the parking official to direct, control and manage all on-street parking in residential and commercial areas.

The parking official shall:

- (1) Supervise and be responsible for the collection and maintenance of on-street parking meters and any city-owned and city-maintained public off-street parking meters authorized under this chapter.
- (2) Be authorized to enforce all parking regulations of this chapter and the Texas Transportation Code.
- (3) Maintain effective liaison and coordination with other governmental units that are active participants in the city's parking program.
- (4) Prepare reasonable and necessary administrative rules, regulations and forms relating to the performance of duties under this chapter for approval by the director.
- (5) Maintain a system to issue and track permits and licenses.
- (6) Carry out the policies of the mayor in the overall planning effort to develop a reliable and efficient method of managing on-street parking and public off-street parking meters.

- (7) Have such other duties and responsibilities as may be assigned by the mayor.
(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-5. Rules and regulations.

The director is hereby authorized to promulgate, from time to time, reasonable rules and regulations to carry out the intent and purposes of articles I through VII of this chapter, including, but not limited to rules for the conduct of hearings. The director shall also be responsible for promulgation of forms and establishment of fees in articles I through VII of this chapter. A copy of the rules, regulations, forms and fee schedules shall be maintained in the office of the parking official for inspection, and copies may be purchased at the fee prescribed by law.
(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-6. Parking enforcement officers.

(a) Parking enforcement officers shall enforce the provisions of this chapter by issuance of a parking citation on the official form prescribed by the director for such notices. Parking enforcement officers shall not have any power of arrest under the authority conferred by this section nor shall they have the authority to order a vehicle removed or impounded for violation of the provisions of this chapter. Parking enforcement officers shall be issued appropriate identification by the parking official and shall be issued the necessary forms to carry out their duties.

(b) Peace officers and other persons designated by the parking official for that purpose shall enforce the provisions of this chapter and state laws and regulations relating to the stopping, standing and parking of motor vehicles by issuance of citations on the official form prescribed by the director. Persons who are not peace officers may issue citations, but they shall not have the power of arrest. Persons designated under this section shall be issued appropriate identification and the necessary citation forms to carry out their duties. The persons shall account to the parking official for all citations issued and for all citation forms provided to them.
(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-7. Parking meter collectors.

(a) There shall be employment positions within the parking management division for persons who shall be known as 'parking meter collectors.' The parking meter collectors shall be selected and appointed in accordance with the established hiring practices of the city. The employees holding those positions shall be under the direction and control of the parking official or his designee.

(b) It shall be the duty of each parking meter collector to collect revenues from assigned parking meters in the city at the times and in the manner prescribed by the parking official.
(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-8. Signs and markings.

In this chapter, a sign, marking, or other device relating to any traffic control issue including, but not limited to, parking shall be construed to be a traffic-control device authorized under article IV of chapter 45 of this Code.
(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-9. Application of chapter to drivers of government vehicles.

The provisions of this chapter shall apply to the driver of any vehicle owned by or used in the service of the United States government, this state, county or city, and it shall be unlawful for any such driver to violate any of the provisions of this chapter, except as otherwise permitted in this chapter or by state statute.
(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-10. Penalty for violation of chapter.

(a) It is a criminal offense for any person to violate any of the provisions of this chapter other than the provisions of articles II, IV or VI of this chapter or division 1 of article III of this chapter. Every person convicted of violating any of those provisions of this chapter for which another penalty is not specifically provided shall be punished by a fine of not less than \$1.00 nor more than \$200.00; provided however that no penalty shall be greater or less than the penalty for the same offense under the laws of this state.

(b) It is a civil offense for any person to violate any of the provisions of article II, IV or VI of this chapter or of division 1 of article III of this chapter. The penalty for violation of any of the provisions of division 1 of article III or of article II or VI of this chapter for which another fine is not specifically provided by this Code or by state law shall be a civil fine of not less than \$1.00 nor more than \$200.00; provided, however, that the penalty for violation of any provision of article IV of this chapter shall be a civil fine of not less than \$200.00 nor more than \$500.00; provided further, that the penalty for violation of section 26-88 of this Code shall be a civil fine of not less than \$250.00 nor more than \$500.00.

(c) For violations under this chapter that are of a continuing nature, each day that the violation shall continue shall constitute a separate offense. (Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Secs. 26-11—26-40. Reserved.

DIVISION 2. PUBLIC PARKING COMMISSION

Sec. 26-41. Created.

There is hereby created a public parking commission.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-42. Composition.

(a) The commission shall be composed of nine regular members and seven nonvoting ex officio members. The nine regular members and a representative of the city's municipal management districts, as provided in subsection (c)(6), shall be appointed by the mayor and confirmed by the city council. The commission shall make recommendations to city council on the appropriate number of its members.

(b) At least seven of the nine regular members of the commission shall be persons knowledgeable of parking issues affecting commercial, institutional or residential areas in the city who possess substantial experience in one or more of the following areas: retail; job creation and retainage; residential parking; sports and entertainment;

recreational opportunities; nonprofit institutional activity; air travel; hospitality; and commercial off-street parking operations.

(c) The ex officio members shall be:

- (1) The director of the convention and entertainment facilities department or his designee, who shall also serve as secretary to the commission.
- (2) The director of the public works and engineering department or his designee.
- (3) A designee of the Metropolitan Transit Authority of Harris County, Texas.
- (4) The director of the planning and development department or his designee.
- (5) A designee of the Harris County Commissioners Court.
- (6) A person representing the city's municipal management districts.
- (7) A person designated by the Houston Commission on Disabilities.

(d) Eight of the regular members of the commission shall be residents of the city. The remaining membership position need not be occupied by a resident of the city, provided the proposed member works full time or owns a business within the city.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-43. Terms of members.

(a) Regular members shall serve a two-year term of office and shall continue in office until their successors are appointed and qualified. The terms for regular members in even-numbered positions shall commence on January 1 of each even-numbered year and end on December 31 of the following odd-numbered year. The terms for regular members in odd-numbered positions shall commence on January 1 of each odd-numbered year and end on December 31 of the following even-numbered year.

(b) If a resident commission member other than an ex officio member removes his actual residence from the city during the term of his appointment, that person shall be disqualified

from membership on the commission, and his position shall become vacant effective simultaneously with such change in residency.
(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-44. Compensation.

The members of the commission, in the performance of their duties as such, shall serve without compensation.
(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-45. Chair.

The mayor shall designate the commission chair from among the regular members of the commission. At its first meeting of each calendar year, the regular members of the commission shall elect a vice chair who shall perform the duties of the chair when the chair is absent or unable to perform such duties.
(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-46. Quorum.

A majority of the voting members of the commission shall constitute a quorum; however, in the event of a vacancy on the commission, a majority of the remaining voting members of the commission, or of the voting membership of the commission as diminished by such vacancies, shall constitute a quorum for the transaction of business.
(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-47. Committees.

The commission may form advisory committees, including persons not on the commission, to assist it in the discharge of its responsibilities.
(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-48. Absence from meetings.

Absences may be excused only upon a finding of good cause therefor by a majority of the commissioners present and voting at any scheduled meeting. Three successive unexcused absences of any member from regularly scheduled meetings, after due notice served by telephone or mail of the

time and place of such meetings, shall automatically vacate the member's position on the commission

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-49. General powers.

(a) The commission shall have power:

- (1) To review data relating to all on-street and public off-street parking facilities in the city.
- (2) To develop a comprehensive inventory of both on-street and public off-street parking facilities city-wide and by specific areas, including the central business district and other areas where significant demand for parking exists or is anticipated to occur in the future.
- (3) To develop a parking facility database for use in managing existing parking and planning for future parking needs in the future.
- (4) To request reports from the traffic and transportation division of the department of public works and engineering, the municipal courts administration and judicial departments, and other city departments consisting of such data, statistics and other available information necessary to maintain the city's inventory of parking assets, analyze existing parking needs and plan for future parking to support the growth and development of the city.
- (5) To conduct public hearings on parking needs and related issues, both present and anticipated, in the central business district and other areas of the city, as the commission may deem necessary or expedient.
- (6) To recommend to the city council, with the concurrence of the traffic engineer, such additional ordinances, rules, regulations or procedures, including but not limited to on-street parking rates, duration, time and days of operation, as the commission may deem advisable to meet present or future parking needs of the city.

- (7) To recommend to the city council such capital improvements or other programs as the commission shall consider necessary to accommodate the present or future parking needs of the city.
- (8) To conduct studies of the current or anticipated parking needs of the city or any locale as the commission shall deem necessary or advisable and to report its findings on such matters to the city council not less than annually.
- (9) To provide a forum for input on present and future parking needs and related issues for stakeholders and other interested parties.

(b) Additionally, the commission shall have the power:

- (1) To make or cause to be made plans and maps of the whole or any portion of the city which, in the opinion of the commission, relate to the planning and development of parking facilities for the city, and to make changes in, additions to, and extensions of such plans or maps when it deems advisable. The commission may adopt a plan as a whole by a single resolution, or may, by successive resolutions, adopt successive parts of the plan, such parts to correspond to geographical sections of the city, or to functional divisions of the subject matter of the plan, as determined by the commission, and may adopt any amendment or extension thereof or addition thereto. Before the adoption of the plan or any part, amendment, extension or addition, the commission shall hold at least one public hearing thereon after not less than 15 days' notice published in a daily newspaper of general circulation printed in the city. A copy of the plan or part thereof, showing the date of its approval by the commission and bearing the signature of the commission chair, shall be presented to the city council for its review and final adoption. The city council, by ordinance, may adopt a parking plan designated as a comprehensive parking plan or a portion of a comprehensive parking plan as proposed by the commission.
- (2) To coordinate with all other municipal and governmental agencies in formulating and executing parking policies and regulations to accommodate development in the city.
- (3) To recommend to the city council routes of transportation corridors and to investigate and recommend the alteration or other changing of streets to best manage the city's parking facilities and system.
- (4) To recommend to the city council, with the concurrence of the traffic engineer, the planning official, or any city official charged with any responsibility relating to parking, traffic regulations and controls that directly affect the parking needs or facilities of any area of the city or of the city as a whole, including, but not limited to, public off-street parking.
- (5) To investigate, consider and recommend to the city council all matters for the development and advancement of the city's parking operations and facilities.

(c) Nothing contained in this article is intended to invalidate any parking control device installed, or determination made regarding a particular parking situation, pursuant to any discretion conferred upon the traffic engineer in this Code.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-50. Procedures.

The commission may adopt such administrative procedures applicable to its own governance as are necessary or convenient to accomplish the purposes set out in this division.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-51. Commission meetings.

The commission shall meet at such times and in such public places as may be required for the conduct of its business.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Secs. 26-52—26-80. Reserved.

**ARTICLE II. STOPPING, STANDING,
PARKING AND OPERATION OF
VEHICLES**

**Sec. 26-81. Owner and operator responsible
for illegal parking.**

It shall be unlawful for any person, having registered in his name or owning or operating or having in charge any vehicle, knowingly to allow or suffer or permit the same to stop, stand or be parked in any street in the city in violation of any of the provisions of this chapter or other ordinances of the city regulating the stopping, standing or parking of vehicles.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

**Sec. 26-82. Parking citations issued for
rental vehicles.**

(a) The parking official shall cause notice to be provided by mail or electronic transmission to the registered owner of a rental vehicle that is the subject of a parking citation, provided that the registered owner has supplied information required by procedures adopted by the director in connection with this subsection. The notice shall be provided within 20 days after the issuance of the parking citation.

(b) If a parking citation is issued for a violation committed by the operator of a rental vehicle and the lessee or other person parking the vehicle fails to make an appearance on the parking citation within 45 days following the date of its issuance, then the lessor shall, within 30 days following the date of mailing of a written default notice from the parking official, pay the applicable fine for the citation including all applicable fees and costs on behalf of the lessee. Any default notice authorized to be mailed under this section may be deposited in the United States mail addressed as shown on the state vehicle registration records for the rental vehicle lessor or addressed to any other address used by the lessor for its rental vehicle business operations within the city.

(c) Nothing herein shall be construed to preclude rental vehicle lessors from obtaining a pledge of financial security from lessees or otherwise securing payment for or recovering the cost from the lessees on any parking citations that are paid on behalf of lessees hereunder.

(d) The parking official shall, from time to time, provide reports regarding collection activities under this section to the mayor and city council. Upon report that any lessor has failed to timely comply with any obligation under this section, the mayor may cause a hearing regarding the matter to be scheduled before the city council at one of its regular meetings or at a special meeting called for that purpose. The lessor shall be entitled to at least 20 days' prior written notice of the hearing and shall be provided a list of the parking citations for which the lessor is alleged to have failed to timely comply with any provision of this section. The hearing shall be conducted in accordance with procedural rules developed and promulgated by the mayor, which shall be consistent with principles of due process. If, following the hearing, the city council finds the lessor to have violated this section, then the city council may, unless otherwise prohibited by law, terminate any city license, permit, franchise, lease, concession, occupancy agreement, or other regulatory or contractual authorization or agreement by or through which the lessor or any other entity affiliated with the lessor conducts any business activities upon any premises owned or controlled by the city or upon the streets of the city. If the city council finds that the violation was not intentional and that the lessor has taken effective measures to prevent a recurrence, then it may issue a warning or suspension in lieu of a termination. The remedies provided in this section are in addition to any other action that is authorized in this Code or otherwise by law and shall not be deemed to preclude the taking of any other remedial action by the city.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-83. Veterans' parking privileges.

(a) Pursuant to the provisions of subsection (b) of Section 681.008 of the Texas Transportation Code, as amended, the exemption provided in subsection (a) of Section 681.008 shall also apply

to payment of fees imposed by the city for parking in a public parking garage or public parking lot. This exemption shall not, however, extend to areas designated as hourly parking in Houston Airport System parking lots and parking garages.

(b) The exemption extended herein shall be applied in a manner that is consistent with the authorizing provisions of state law. As authorized by state law, the exemption shall apply to a vehicle in display of:

- (1) Disabled Veterans license plates issued under Section 504.202(b) or 504.202(c) of the Texas Transportation Code;
- (2) Congressional Medal of Honor Recipients license plates issued under Section 504.315(e) of the Texas Transportation Code;
- (3) Former Prisoner of War license plates issued under Section 504.315(c) of the Texas Transportation Code;
- (4) Pearl Harbor Survivors license plates issued under Section 504.315(d) of the Texas Transportation Code; or
- (5) Purple Heart Recipients license plates issued under Section 504.315(g) of the Texas Transportation Code;

when the vehicle is being operated by or for the transportation of the registrant of the vehicle. The directors who have jurisdiction over the various city-operated parking garages and lots to which this privilege applies may promulgate rules for the operation of this exemption. The rules shall be consistent with applicable state law, and may include, but not be limited to, a requirement that persons requesting free parking provide a registration receipt and driver license or other evidence that the vehicle is in fact being operated by or for the transportation of the vehicle registrant.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-84. Blocking roadways.

No person shall park any vehicle upon a street or alley in such a manner or under such condi-

tions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-85. Parking or standing on two-way roadway.

A driver who stops or parks on a two-way roadway shall do so with the right-hand wheels of the vehicle parallel to and not more than 18 inches from the right-hand curb or edge of the roadway, unless otherwise indicated by signs, curb markings, or other traffic-control devices applicable to the roadway.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-86. Parking or standing on one-way roadway.

In the event traffic is restricted to one direction upon a roadway, a driver who stops or parks on the roadway shall park the vehicle in the direction of authorized traffic movement with the right-hand wheels parallel to and not more than 18 inches from the right-hand curb or edge of the roadway. Where authorized by signs, curb markings, or other traffic-control devices applicable to the roadway, a vehicle may be parked on the left-hand side of the roadway, but only with the left-hand wheels parallel to and not more than 18 inches from the left-hand curb or edge of the roadway.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-87. Parking prohibitions and restrictions on specific streets generally.

(a) When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets so signed.

(b) When signs are erected in each block giving notice thereof, no person shall park a vehicle between the hours designated by such signs on any day, unless otherwise designated.

(c) When signs are erected in each block giving notice thereof, no person shall stop, stand, or park a vehicle between the hours specified on such signs on any day, unless otherwise designated.

(d) When signs are erected in each block giving notice thereof, no person shall park a vehicle for longer than the specified period at any time between the hours of 7:00 a.m. and 6:00 p.m. of any day, except Sundays and legal holidays.

(e) The provisions of this section prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device.

(f) The provisions of this section imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

(g) When signs prohibiting parking are erected upon narrow streets as authorized in section 45-117 of this Code, no person shall park a vehicle upon any such street in violation of any such sign.

(h) When signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized in section 45-118 of this Code, no person shall park a vehicle in any such designated place.

(i) When signs are erected at hazardous or congested places as authorized in section 45-119 of this Code, no person shall stop, stand, or park a vehicle in any such designated place.
(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-88. Parking areas for persons with disabilities.

Unauthorized use of parking spaces designated pursuant to section 45-128 of this Code for the exclusive use of vehicles transporting persons with disabilities shall be unlawful and shall be punished as provided by Chapter 681 of the Texas Transportation Code.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-89. Restricted use of bus zones and taxi zones.

No person shall stop, stand or park a vehicle other than a bus in a bus zone, or other than a

taxicab in a taxi zone, when any such zone has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-90. Use of esplanade, median strip or traffic island.

(a) It shall be unlawful for any person to ride, operate, leave unattended any animal and/or livestock or park any vehicle on, over or across any esplanade, median strip or traffic island.

(b) In addition to any applicable fine or penalty, any animal and/or livestock left unattended or vehicle parked upon an esplanade, median strip or traffic island in violation of this section shall be subject to being removed or towed at the direction of any law enforcement officer.

(c) The provisions of this section shall not apply to any city employee, city contractor or employee thereof, or any person whose duty it is to maintain the esplanade, median strip or traffic island or any equipment thereon.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-91. Parking on restricted city property.

(a) It shall be unlawful for any person to park, or leave unattended, or drive a vehicle into or upon any property owned and controlled by the city and restricted to use by authorized persons and vehicles only, without first obtaining permission in writing to do so from the proper city officer, agent or employee, authorized by the city council to give such permission. The director of the department to which such property is inventoried is hereby authorized to restrict the use of such property only to persons and vehicles authorized in writing by such director to use such property.

(b) All property of the city that has been restricted, either by the city council or by its duly authorized agent, to use by authorized persons and vehicles only, shall be designated by appro-

priate and conspicuous signs posted at all vehicular entrances thereto, and such signs shall advise that the property is restricted to authorized persons and vehicles only, that all other vehicles will be towed or driven away, that the driver of any illegally parked vehicle shall be subject to a civil fine. The department to which such property is inventoried shall cause such signs to be prepared and posted. The city shall incur no liability for damage caused to any such vehicle by such removal and the owner, by permitting his vehicle to be placed on such property, thereby impliedly waives claim for any damages thereto that may be caused by such towing and storage.

(c) In addition to any other penalty provided for such violation, any vehicle parked, left unattended or driven upon any such restricted property of the city without permission from the proper authority having been first obtained in the manner above provided, is hereby declared to be an obstruction, and shall be subject to being towed or driven away by, or at the direction of any person designated by the head of the department to which such property is inventoried, or any city police officer, to a place of impoundment in the manner provided by law.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-92. Vehicles on parking lots not to protrude over property line.

It shall be unlawful for any person who operates, keeps or maintains, or causes to be operated, kept or maintained, a parking lot where automobiles or other vehicles are parked on private property adjacent to public streets or sidewalks to permit any automobile or vehicle parked thereon to be parked in such a manner so as to protrude over the property line of such parking lot or to obstruct in any manner any public street or sidewalk adjacent to such private property.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-93. Parking in excess of twenty-four hours.

It shall be unlawful for any person to knowingly leave parked or standing in any public street, alley or other public place any vehicle for a longer continuous period of time than 24 hours.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-94. Time limit for trailer parking.

It shall be unlawful for any person to leave, stand or park a trailer, semi-trailer, pole trailer or house trailer, either attached or unattached to a motor vehicle, on the public streets of the city for a period of time in excess of two hours.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-95. Parking of commercial vehicles prohibited between certain hours.

It shall be unlawful for any person to park or stand any commercial vehicle on or upon the streets between the hours of 2:00 a.m. and 6:00 a.m. except during the act of loading or unloading. It is a defense to prosecution under this section that the commercial vehicle is actually in the process of being loaded or unloaded.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-96. Large vehicle restrictions.

Between the hours of 6:00 p.m. and 7:00 a.m., no person shall park or cause to be parked or permit to remain parked any large vehicle upon any street or highway in any residential district. It is a defense to prosecution under this section that the large vehicle is actually in the process of being loaded or unloaded.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-97. Using vehicle for primary purpose of advertising.

No person shall operate or park on any street any vehicle for the primary purpose of advertising, except where such operation or parking is specifically permitted by the terms of some provisions of this Code or other ordinance of the city.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-98. Parking for certain purposes prohibited.

No person shall park a vehicle upon any roadway for the principal purpose of:

- (1) Displaying such vehicle for sale.

- (2) Washing, greasing, or repairing such vehicle, except repairs necessitated by an emergency.
(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Secs. 26-99—26-150. Reserved.

ARTICLE III. PARKING METERS

DIVISION 1. GENERALLY

Sec. 26-151. Designation of metered on-street parking zones and maximum parking time therein—Generally.

The traffic engineer, in consultation with the parking official, is hereby authorized to establish parking metered on-street parking zones upon any street or portion of any street where it is determined, upon the basis of a traffic engineering study, that the installation of parking meters shall be necessary to aid in the regulation, control or inspection of the parking of vehicles. The parking of vehicles in such parking meter zones shall be controlled and regulated by parking meters. The traffic engineer from time to time shall also establish maximum parking times for each parking meter zone.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-152. Installation of meters—Generally.

The parking official, upon approval of the traffic engineer, is hereby authorized to install meters within any portion of the right-of-way designated pursuant to section 26-151 of this Code.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-153. Designation of metered public off-street parking zones.

(a) The parking official, with the approval of the department director under whose jurisdiction the property is placed, is hereby authorized to designate any portion or section of any area within any public ground or lands owned or controlled by the city as a public metered off-street parking zone within which parking shall be

controlled by parking meters whenever the parking official shall find and determine that the use of public property or any public building, structure or activity situated thereon or adjacent thereto will be benefitted by the control of such parking, or access to such ground, buildings or activity will be made more readily available to a larger number of citizens, or congested traffic and parking conditions will be thereby alleviated. In the zones so designated, the parking official shall, with the approval of the department director under whose jurisdiction the property is placed, designate the maximum parking time for each parking meter, basing his designation on the fact finding above set forth.

(b) Whenever so designated, any such public metered off-street parking zone shall be considered a "street" as such term is used in other provisions of this chapter and such other provisions shall govern the use of such zones by the public; but such zones shall not thereby become streets for all purposes unless expressly recognized as such by the city council.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-154. Operation, design, etc., of meters.

(a) Parking meters shall be capable of being operated, either electronically or mechanically, upon the deposit therein of United States coinage, and may also accept currency, credit cards, debit cards or other forms of payment, based upon the capabilities of the meters installed.

(b) Each parking meter shall be so designed, constructed, installed, and set that, upon the expiration of the time period registered for payment made as provided herein, it will indicate by an appropriate flag, electronic display, or otherwise that the lawful parking meter period has expired, and during such period of time and prior to the expiration thereof, will indicate the interval of time that remains of such period. Where a meter has been installed that controls two or more parking spaces, then the meter shall separately perform the above function for each individual space.

(c) Where a meter has been installed that allows payment of time for a parking meter space, prints a written receipt, and does not indicate expiration of the time period registered for payment by an appropriate flag, electronic display, or otherwise that the lawful parking meter period has expired, then the operator shall display such receipt in the dashboard of the parked vehicle in an unobstructed manner.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-155. When meter regulations effective.

Parking meters in the established zones shall regulate the parking of vehicles between the hours of 7:00 a.m. and 6:00 p.m. on Mondays through Saturdays except legal holidays unless otherwise specified on the meter or applicable signage.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-156. Manner of parking in meter zones.

Within the parking meter zones, all vehicles shall be parked parallel to the curb, unless otherwise indicated on the meter or by signage, curb markings, or other control system applicable to the meter. For parallel parking, no part of the curb side of the vehicle shall be parked at a distance greater than 18 inches from the curb. Where one parking meter has been installed on the meter pole for parallel parking, vehicles shall be parked along the curb so that the front of the vehicle is located opposite the parking meter. Where two meters have been installed on the meter pole for parallel parking, vehicles shall be parked along the curb so that either the front or rear of the vehicle is located opposite the parking meter, as applicable, based upon the relation of the meter locations to the parking spaces. Where a meter has been installed that controls two or more parking spaces, then the vehicles shall be parked in accordance with the signage, curb markings, or other control system applicable to the meter.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-157. Payment; overtime parking.

(a) Parking in a metered space during the restricted and regulated time applicable to the parking meter zone in which such meter is located requires payment in the amount applicable to that metered space, which may be paid through operation of the meter as provided in section 26-154 of this Code.

(b) No person shall park or permit a vehicle within his control to be parked in any such parking meter space during the restricted and regulated time applicable to the parking meter zone in which such meter is located while the parking meter controlling the space indicates that the paid time period for use of that metered space has expired. This provision shall not apply to the act of parking or the necessary time that is required to make payment immediately thereafter in a form accepted by the meter.

(c) If a vehicle remains parked in any parking space beyond the parking time limit paid for such vehicle for such parking space, the parking meter shall indicate illegal parking by means of a flag, electronic display, or otherwise, and in that event, the vehicle shall be considered as parked overtime and such overtime parking shall be unlawful.

(d) Parking a vehicle in any parking space in excess of the time paid for such vehicle for such parking space shall be the initial offense under this division. It shall furthermore be unlawful to continue such violation, and more than one ticket may be issued for a continued violation under this division.

(e) If a notice on the meter itself or applicable signage placed under section 26-155 of this Code states that the parking meter is not effective during certain hours or on certain days, then this section shall not be applicable during those days or times.

(f) Exemption for vehicles in public law enforcement service.

(1) As used in this subsection the term "*peace officer*" shall mean those persons who are defined as "peace officers" under Section 2.12 of the Texas Code of Criminal Procedure and those employees of federal agen-

cies who are authorized to carry handguns, investigate federal crimes, and make custodial arrests of persons accused of committing federal crimes.

- (2) As used in this subsection the term "*department head*" shall mean the police chief, sheriff, constable or other duly elected or appointed official in charge of the department or agency that employs a peace officer, provided that if the peace officer is employed by a state or federal agency, then it shall mean the person principally in command of the agency's division, field office or other work group that is responsible for the agency's operations within the city.
- (3) It is a defense to prosecution under this section that the person who parked the vehicle is a peace officer and that he presents to the municipal court two affidavits. One affidavit shall be duly executed by his department head and shall set forth:
 - a. That the person was at the time of the alleged offense employed under the department head's command as a peace officer;
 - b. That the vehicle parked was at the time of the alleged offense owned by or in the service of the State of Texas or the United States or an agency or subdivision thereof; and
 - c. That the peace officer was (based upon department head's personal knowledge or upon the records of the department head's office) at the time of the alleged offense engaged in the performance of his officially assigned duties of office and was not parked while the peace officer was working at his customary office or job site.

The second affidavit shall be duly executed by the peace officer who parked the vehicle and shall state that the vehicle was not parked at an expired parking meter for more than a total of four hours on the occasion during which the alleged offense arose.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-158. Proof of parking meter location and time limit.

When any person is charged with having committed an offense under this division, proof that a parking meter was placed for the parking space in connection with which the offense was committed shall constitute prima facie evidence that the parking meter was installed and the space laid out by order of the traffic engineer, and that its location and maximum parking time were designated by the traffic engineer.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-159. Effect on more restrictive provisions.

The provisions of this division shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting, restricting, or limiting the stopping, standing, or parking of vehicles in specified places or at specified times.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-160. Parking meter fees.

The parking official is hereby authorized to establish parking meter fees for any parking meter that has been placed upon any street or other property owned or controlled by the city. The following fees are hereby established for public parking at any parking meter that is governed by this section:

- (1) *Short-term parking:* A fee to be established by the parking official between a minimum of \$0.10 for each ten minutes and a maximum of \$1.50 for each ten minutes, which includes any applicable sales tax. Short-term parking fees shall apply to a meter during a time period for which the meter has been designated for short-term parking use upon determination that the public's needs during that time period may be best served by ensuring that the space is not used for lengthy periods of time by one vehicle.
- (2) *Long-term parking:* A fee shall be established by the parking official between a minimum of \$0.10 for each hour and a maximum of \$1.50 for each hour, which

includes any applicable sales tax. Long-term parking fees shall apply at meters during those periods in which they have not been designated for short-term parking use.

- (3) In establishing the foregoing fees, the parking official shall consider the cost of providing the service, the prevailing private market parking rates in the immediate vicinity of the meter, and the needs of patrons of nearby businesses and other premises to have access to the use of metered parking, as well as relevant traffic mobility and engineering issues, as applicable. Without limiting the parking official's options, a parking space may be designated for short-term parking during some times and days and long-term parking during other times and days.
(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-161. Designation of authority.

Those duties of the traffic engineer under this division that do not require the exercise of professional engineering judgment or that do not relate to traffic-control shall be performed by the parking official.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-162. Temporarily restricted meters.

No person shall park a vehicle in a metered space that is subject to an access restriction in accordance with division 2 of this article. This section does not apply if the person is a permittee under division 2 and displays his permit or a true copy on the dashboard of the parked vehicle.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-163. Disposition of fees.

All fees and/or revenues generated from the use of parking meters under this division and all fees and revenues generated under division 2 of this article shall be first expended to defray all costs associated with debt service and operation and maintenance of parking meters placed in service on or after April 1, 2006, and any remain-

ing funds shall be divided evenly between the city's general fund and the police special services fund administered by the police department.
(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Secs. 26-164—26-180. Reserved.

DIVISION 2. TEMPORARY RESTRICTION OF ACCESS TO METERED PARKING

Sec. 26-181. Definitions.

As used in this division, the following words and terms shall have the following meanings unless the context of their usage clearly indicates another meaning:

Access restriction means any restriction or other means or method of rendering unavailable for use by the general public of one or more metered parking spaces.

Attendee means a person who is attending an event sponsored by a permittee.

Peak hours of traffic means those hours established by the traffic engineer at a particular city location.

Permit means a current and valid permit issued under this division to cause an access restriction.

Permittee means a person who holds a permit under this division and includes any employee, agent, or independent contractor of the permittee.
(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-182. Application for permit; fee.

(a) Persons who desire to obtain a permit shall make application to the parking official no later than five business days before the first day of the proposed access restriction, setting forth the following:

- (1) The applicant's name, telephone number, fax number, email address, business street address and mailing address;
- (2) The name and 24-hour telephone number of a person or persons whom the parking

official may contact if needed to resolve any issue that may arise with respect to the permit;

- (3) The purpose for which the permit is requested;
 - (4) The duration for which the permit is requested; and
 - (5) The location and identification number of the metered parking spaces to be restricted.
- (b) The following fees are hereby established for a permit:
- (1) The fee for the permit shall be \$10.00 for each metered space per day requested under the permit application. If the parking official determines that the permit should be granted, then the applicant shall, prior to receiving the permit and in addition to the permit fee, pay for the city's lost revenues, which shall be an amount equal to the total cost of parking at the affected metered space or spaces for the duration of the permit, based upon the fee applicable to the metered space or spaces. No portion of the fee shall be refundable unless the parking official revokes the permit as provided herein.
 - (2) The parking official shall waive the above fees for applications made by the city or upon written request of the city engineer for a city contractor working on a public works construction project; provided that a waiver shall only be afforded as reasonably required for purposes of access to the metered parking space or spaces for the prosecution of the city's work.
- (c) To the extent that the imposition of any fee, requirement or other provision set forth in this division would be inconsistent with a controlling state or federal law, then this division shall be construed and applied in a manner that conforms with the applicable state or federal law.
(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-183. Review, issuance, terms, revocation.

(a) The parking official shall, subject to the provisions of this division and upon applicant's payment of the fee, approve an application as submitted or modified subject to this subsection and issue a permit, unless he determines that:

- (1) The application is incomplete or materially untruthful;
- (2) There exist any unresolved parking citations for any vehicle owned by the applicant; or
- (3) The proposed access restriction, as requested, would substantially inconvenience the public in its use of the streets and that the inconvenience would outweigh any public benefits from the work, function, or activity for which the permit is requested, according to written criteria established by the traffic engineer.

(b) The parking official may, according to written criteria established by the traffic engineer, impose reasonable limitations upon scope of a permit, which shall be consistent with the nature and time of the restriction and its anticipated effects upon vehicular and pedestrian use of the streets. Without limiting the foregoing, the parking official shall not authorize restriction during peak hours of traffic if a practicable alternative time schedule could be used, unless he determines that traffic and mobility will not be adversely affected. Consistent with the foregoing criteria and with approval by the traffic engineer, the parking official may require the permit holder to provide traffic-control devices, signage, and notice to the public at the permit holder's expense.

(c) To the extent that another person has previously requested or obtained a permit for all or part of the area subject to the application or the parking official is aware of any other activity that will also affect traffic at the time and in the area affected by the application, the parking official shall require the persons to coordinate their restrictions or may delay the effective date of the permit until a previous restriction is concluded.

(d) Each permit shall be issued in writing, shall set forth the specific meter spaces affected, beginning and ending dates, authorized days of the week and times of day, nature and authorized site of the authorized restriction, and any requirements for traffic-control devices, signage, and public notice. The permit restriction shall not be valid except in strict accordance with its terms and shall be void if used in any other time, place, or manner.

(e) Permits are personal to the permit holder and may not be assigned or used by any other persons.

(f) Upon written notice to the holder, a permit may be suspended or revoked if the parking official determines that it was issued by error, that the obstruction is having unanticipated adverse effects upon vehicular or pedestrian traffic, or that the holder has not complied with any applicable term of the permit. If a permit is suspended or revoked, the parking official shall refund a percentage of the fees for any unutilized days under such permit.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-184. Hearing.

A person who is aggrieved by the decision of the city, its officials, or employees with respect to a permit application, suspension, revocation or other action under this division shall, upon written request, be entitled to a hearing to be conducted by a hearing officer designated by the director who shall promulgate rules for hearings. The decision of the hearing officer shall be final.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-185. Closing of meters.

If the parking official issues a permit, parking management division personnel shall officially mark the meter or meters for the duration of the permit. Depending upon the type and number of affected metered spaces and meters, the official marking may be in the form of meter bags, signage, or other indicia to indicate that the affected meter spaces are not available for public use.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-186. Prohibited activities.

(a) It is unlawful for any person or entity to cause, suffer, or permit an access restriction without a permit for the affected meter space or spaces.

(b) It is unlawful for a permittee to cause, suffer, or permit an access restriction in violation of any term of a permit.

(c) It is unlawful for a person who is not a parking management division employee to remove or tamper with any official marking placed under section 26-185 of this Code.

(d) Violation of this division is unlawful and shall be punishable as provided in section 1-6 of this Code.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-187. Duty of permittee.

It shall be the duty of every permittee to cause each of its attendees and agents to comply with the requirements of this division and any permit issued hereunder.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-188. No private rights in street.

Nothing in this division shall be construed to give any person, whether or not a permittee, any property right in or to the use of any street. All permits issued and held under this division shall be subject to the superior right of the public to the safe and orderly movement of traffic.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Secs. 26-189—26-220. Reserved.

ARTICLE IV. COMMERCIAL VEHICLE LOADING ZONES*

Sec. 26-221. Designation of commercial vehicle loading zones.

The traffic engineer is hereby authorized to determine the location of commercial vehicle loading zones and may authorize the parking official

*Editor's note—Section 23 of Ord. No. 2007-464 provides for an effective date of May 1, 2007, for this Ch. 26, Article IV.

to place appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-222. Parking in commercial vehicle loading zones.

It shall be unlawful for any person during the posted hours of operation of a commercial vehicle loading zone to:

- (1) Park any vehicle other than a commercial vehicle in any commercial vehicle loading zone designated by the city;
- (2) Utilize a commercial vehicle loading zone for any purpose other than the expeditious loading or unloading of property, goods or merchandise from a commercial vehicle; or
- (3) Park any vehicle in any commercial vehicle loading zone without either:
 - a. Displaying a current and valid commercial vehicle parking permit issued and utilized pursuant to this article; or
 - b. Paying the meter fee as provided in section 26-228 of this Code.

In addition to any applicable fine or penalty, any vehicle parked in violation of this section shall be subject to being towed at the direction of any law enforcement officer.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-223. Commercial vehicle parking.

The operator of a commercial vehicle may utilize a commercial vehicle loading zone during the posted hours of operation of the zone pursuant to a permit issued under this article or by payment of the meter fee as provided in section 26-228 of this Code.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-224. Permit application; issuance.

(a) A person may apply for a commercial vehicle loading permit by submitting an application in the form prescribed by the director, along with the appropriate permit fee.

(b) The parking official shall issue a permit, unless he determines that:

- (1) The application is incomplete or materially untruthful; or
- (2) There exist any unresolved parking citations as defined in section 26-261 of this Code for any vehicle owned by the applicant.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-225. Permit classes.

Permits shall be classified as follows:

- (1) *Class A permit.* A Class A permit will be valid for a period of one year from the date of issuance and shall be transferable to any other commercial vehicle operated by the permittee upon prior notice in a manner prescribed by the parking official. A commercial vehicle with a Class A commercial vehicle loading zone permit may be parked in a commercial vehicle loading zone or, where such zones are unavailable or occupied, parked utilizing one or two metered automobile parking spaces without payment of the usual meter fee as required elsewhere in this chapter for such spaces. A commercial vehicle with a Class A permit may be parked for a period not to exceed two consecutive hours at one time.
- (2) *Class B permit.* A Class B permit will be valid for a period of one year from the date of issuance and shall be transferable to any other commercial vehicle operated by the permittee upon prior notice in a manner prescribed by the parking official. A commercial vehicle with a Class B permit may be parked in a commercial vehicle loading zone for a period not to exceed one hour at one time.
- (3) *Class C permit.* A Class C permit will be valid for a period of one year from the date of issuance and shall be transferable to any other commercial vehicle operated by the permittee upon prior notice in a manner prescribed by the parking official. A commercial vehicle with a Class C permit

may be parked in a commercial vehicle loading zone for a period not to exceed 30 minutes at one time.

- (4) *Class D permit.* A Class D permit will be valid for a period not to exceed 21 consecutive days. A commercial vehicle with a Class D permit may be parked in a commercial vehicle loading zone for a period not to exceed one hour at one time. Only one Class D permit per commercial vehicle may be issued within a 12-month period.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-226. Permit specific to commercial vehicle.

Each permit shall be registered to a specific commercial vehicle and shall be transferable only as provided in this article.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-227. Display of permit.

A permit must be conspicuously displayed upon the commercial vehicle for which it is issued so as to be easily visible to any person passing such commercial vehicle on the street or sidewalk while the commercial vehicle is parked in any commercial vehicle loading zone. Any failure to display a permit shall create the presumption that no permit for the commercial vehicle exists.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-228. Use of parking meters.

As an alternative to obtaining a permit, the operator of a commercial vehicle may park the commercial vehicle in a commercial vehicle loading zone space or spaces during posted hours of operation for the zone by paying the commercial vehicle loading zone meter fee for each space utilized in whole or in part for parking the commercial vehicle in that zone, provided that the commercial vehicle is then being expeditiously loaded or unloaded and the meter or meters are not allowed to expire; provided, however, that pending the installation of a meter in a commercial vehicle loading zone, an unpermitted commercial vehicle may utilize one or more metered passenger vehicle spaces, or portions of such

spaces, within the same blockface as the unmetered commercial vehicle loading zone, by paying the meter fee for each space wholly or partially occupied by such commercial vehicle.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-229. Compliance with other laws.

Except as allowed by a Class A permit, a permit issued under this article shall not excuse compliance with applicable laws, and a commercial vehicle parked in any metered automobile parking space remains subject to any "no parking" and "tow-away zone" restrictions applicable to the parking space. Additionally, a permit does not excuse the requirement that the commercial vehicle must be expeditiously loaded or unloaded at all times while parked under this article.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-230. Fees.

(a) Fees for commercial vehicle loading zone permits are as follows:

<i>Class</i>	<i>Fee</i>
A	\$1,200.00
B	300.00
C	150.00
D	25.00

A permit may be replaced during its valid term for a fee of \$25.00, upon providing the parking official the police report for the stolen permit or an affidavit for a lost permit. The permit shall be valid only for the remainder of the original term.

(b) The commercial vehicle loading zone meter fee shall be \$5.00 per hour per metered space.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-231. Disposition of fees.

All fees and/or revenues generated from the use of commercial vehicle loading zones shall be first expended to defray all signage and administration costs under this article, and the remainder shall be divided evenly between the transportation special revenue fund administered by the

public works and engineering department and the police special services fund administered by the police department.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Secs. 26-232—26-260. Reserved.

ARTICLE V. BOOTING AND TOWING DELINQUENT VEHICLES AND OTHER ENFORCEMENT PROVISIONS

Sec. 26-261. Definitions.

As used in this article the following words and phrases shall have the meanings ascribed in this section, unless the context of their usage clearly indicates another meaning:

Boot means a lockable road wheel clamp or similar device, which is designed to immobilize a parked vehicle and prevent its operation until the device is unlocked and removed, or (verb) the act of installing such a device.

City vehicle compound means a vehicle storage facility to which vehicles owned by persons other than the city are towed upon direction of peace officers and other authorized personnel of the city. The term includes both facilities that are owned and operated by the city and facilities that are designated by contract with the city to act as city vehicle compounds for purposes of this article.

Delinquent vehicle means any vehicle on which three or more unresolved parking citations are outstanding or on which any single unresolved parking citation related to parking in a space designated for a transport vehicle for a person with disabilities is outstanding, which citations were issued during the time the vehicle has been registered to or otherwise held by the owner.

Delinquent vehicle list means the current delinquent vehicle list as maintained by the parking official under section 26-263 of this Code.

Officer means any peace officer employed by the city and any other city employee, whether a peace officer or not, who is designated by the parking official to place and remove boots or to

cause vehicles to be towed under this article. The city may also authorize persons who are not city employees to act as "officers" for the purpose of installing or removing boots by contract.

Owner means the person registered with the state as the present owner of a vehicle in the most current registration records available to the city, or any transferee not designated in such records, provided that the parking official has received actual notice of the transfer.

Parking citation means a citation, returnable in the municipal courts of the city, issued for the alleged violation of any city ordinance or state penal law regarding the parking of vehicles.

Unresolved, with respect to a "parking citation," means a citation issued and not cleared by an appearance within 45 days of issuance.

Vehicle means either a "motor vehicle" or a "trailer" as those terms are defined in section 45-2 of this Code, provided that it shall not include a vehicle registered to any governmental entity or agency thereof.
(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-262. Purpose.

Pursuant to the provisions of this article an officer may cause a delinquent vehicle designated on the delinquent vehicle list to be booted, or towed, or both.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-263. Delinquent vehicle list.

(a) The parking official shall be responsible for creating and maintaining the delinquent vehicle list.

(b) A delinquent vehicle may be placed on the delinquent vehicle list after notice has been issued as provided in subsection (c), and a hearing, if requested, under subsection (d).

(c) At least 15 days prior to placing a delinquent vehicle on the delinquent vehicle list, the parking official shall mail a notice to the owner, at the address stated on the most current registration records available to the city from the state, or

any more current address of which the parking official has actual notice, by first-class United States mail, postage prepaid. When the Texas Department of Transportation does not have current registration records for a vehicle, a self-adhering notice placed on the vehicle will be deemed sufficient notice. The notice shall set forth:

- (1) The make, year, model, license plate number and identification number of the alleged delinquent vehicle;
- (2) A date certain on which the delinquent vehicle will be subject to placement on the delinquent vehicle list;
- (3) A list of the three or more alleged unresolved parking citations or the single unresolved parking citation related to parking in a space designated for a transport vehicle for a person with disabilities, including the citation number, date, time, place of the violation, and the nature of the violation;
- (4) That the owner may avoid the vehicle's being placed on the delinquent vehicle list by making an appearance on the unresolved parking citations;
- (5) The name, mailing address (and street address if different), and telephone number of a city office or agency that may be contacted for a hearing if any of the alleged unresolved parking citations has been resolved by appearance, or if the recipient was not the owner of the vehicle when any of the alleged unresolved parking citations was issued, or if the title to the vehicle has been transferred since the unresolved parking citations were issued; and
- (6) That administrative fees, boot fees, and towing/storage fees may be payable to obtain the release of a vehicle booted or towed pursuant to this article in addition to appearance on any unresolved parking citations.

For a vehicle that is not yet a delinquent vehicle, the notice required under this section may be mailed or adhered to the vehicle, pro-

vided that there are already two unresolved parking citations and that a third parking citation (which shall also be specified in the notice) will become unresolved if an appearance is not made thereon by the date specified for placement of the vehicle on the delinquent vehicle list.

(d) After expiration of the date certain provided in the notice issued under subsection (c), the parking official shall review the records to ensure that the alleged unresolved citations have not been resolved by appearance, and that no information has been received indicating that the notice was erroneous. The parking official shall not have the authority to adjudicate any parking citation; however, he shall meet with any person desiring to present evidence that a notice given under subsection (c) is erroneous, shall afford the person an opportunity to present any relevant evidence on the matter, and shall mail or otherwise furnish a written notice to the person of his decision.

If the request for a hearing is received by the chief clerk of the municipal courts before the date specified in the notice for placement of the vehicle on the delinquent vehicle list, then the chief clerk shall notify the parking official of the request for hearing and afford the applicant an opportunity for a hearing prior to placement of the vehicle on the delinquent vehicle list. If the applicant timely appears for the hearing as scheduled, the chief clerk shall furnish the parking official and the applicant written notice of the adjudication hearing officer's decision.

(e) Once a vehicle has been placed on the delinquent vehicle list it shall not be removed from the list unless and until:

- (1) All unresolved parking citations issued during the time it has been registered to or otherwise held by the owner are resolved by appearance;
- (2) The parking official receives reliable information that the vehicle was not registered to its current owner at the time the unresolved citations were issued;

- (3) The parking official receives reliable information that title to the vehicle has been transferred; or
 - (4) The parking official determines that the placement of the vehicle on the delinquent vehicle list was erroneous.
- (Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-264. Booting or towing procedures.

(a) An officer may boot any vehicle then parked, lawfully or unlawfully, upon any street or highway within the city, or upon any other property under the ownership or control of the city. An officer may also boot any vehicle on property not owned or controlled by the city provided that parking citations may lawfully be issued for violation of city or state laws regarding the parking of vehicles on the property and further provided that the owner of the property gives written consent to the parking official for the installation of boots on the property.

An officer may cause the vehicle to be towed in lieu of being booted:

- (1) If the vehicle, when located by the officer, was parked in violation of any city ordinance or state penal law relating to parking of vehicles;
- (2) Under any circumstances in which towing by a peace officer is authorized by city ordinance or state law;
- (3) If the location, configuration or size of the vehicle's tires, wheels, fender wells or other components makes the installation of any available boot owned by the city impracticable;
- (4) If, based upon the age, model and condition of the vehicle, or the incidence of vehicular crimes in the area where the vehicle is located, or other relevant factors, the officer reasonably believes that there is a significant possibility of theft or damage relating to the vehicle if it is immobilized in place;
- (5) If the owner has been convicted of any crime relating to the removal of, tampering with or theft of a boot previously installed by the city on any vehicle; or

- (6) If the owner or operator of the vehicle requests, in writing, that the vehicle be towed.

A vehicle that has already been booted may be towed by an officer if any of the circumstances enumerated in items (1) through (6) above exists, or if:

- (7) The owner has not made arrangements with the parking official to secure removal of the boot within 72 hours after its installation; or
- (8) The vehicle remains immobilized in any zone where parking is prohibited during certain hours until the commencement of the restricted hours.

In each instance where a vehicle is to be towed, the officer authorizing the towing shall be a peace officer.

(b) At the time of booting or towing of a vehicle under this article the officer shall:

- (1) Check or cause to be checked the appropriate records to ensure that the vehicle is properly listed on the delinquent vehicle list;
- (2) Check or cause to be checked the most current vehicle registration records available to the city to ensure that the ownership of the vehicle is not reflected to have changed from that specified on the delinquent vehicle list;
- (3) If booted, notify any office designated by the parking official and place a conspicuous notice or notices in a form approved by the director on the vehicle warning the operator or any other person not to attempt to move the vehicle and advising the operator of the means by which the boot may be removed, including the right of the hearing; and
- (4) If towed, notify the police dispatcher and any other office designated by the director so that they may respond promptly to any inquiry about the vehicle's disappearance.

(c) A vehicle may be booted or towed at any time on any day, provided that a adjudication hearing officer is then on duty to conduct any hearing requested pursuant to section 26-266 of this Code, and that a adjudication hearing officer will remain on duty for such purpose until at least two hours after the time that boot is installed.

(d) Vehicles shall be towed to a storage lot operated by the city or to a city-licensed storage lot operated under contract with the city. Each lot that is utilized shall have an attendant on duty or available for the release of vehicles from at least 6:00 a.m. to 9:00 p.m., Monday through Saturday, city observed holidays excepted, and shall have an attendant on call who will come to the lot upon one hour's notice at all other times.

(e) The parking official shall ensure that officers are available, either on duty or on call, to remove boots from vehicles Monday through Saturday, from 7:00 a.m. through 7:00 p.m. An officer shall remain on duty until at least two hours after a boot is installed. At other times, an officer shall be on call to remove a boot upon two hours' notice. (Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-265. Fees, release.

Except as provided in section 26-266 of this Code, the claimant of a vehicle may not secure the release of the vehicle until an appearance has been made on all unresolved parking citations relating to the vehicle which were issued while the vehicle was owned by the person who owned the vehicle at the time it is booted or towed hereunder, and the claimant has paid the following fees, as applicable:

- (1) An administrative fee, if the vehicle has been booted or towed, or both, of \$100.00 to defray the city's administrative costs in placing the vehicle on the delinquent vehicle list and related expenses under this article.
- (2) A boot fee if the vehicle has been booted, of \$100.00 to defray the city's costs of installing, removing and maintaining the boot.
- (3) Towing/storage and related fees, if the vehicle has been towed, in an amount

established by the director, based upon the city's cost or upon the fees imposed by the city's contractors, as applicable. If the vehicle has been towed and stored by city contractors, then the parking official may provide that the towing/storage fees be paid directly to the contractors, rather than to the city.

Towed vehicles that are not redeemed within 30 days shall be subject to disposition in the same manner provided by Chapter 683, Texas Transportation Code, for sale of abandoned motor vehicles by police auction after notice to the owner and lienholders. No person shall be permitted to claim a vehicle without proof of identity. If the person claiming the vehicle is not the owner or a family member residing at the same address as the owner, based upon the most current vehicle registration data available to the city, then proof shall also be required that the claimant is the owner or is redeeming the vehicle with the consent of the owner.

All fees and/or revenues generated from fees imposed under this section shall be divided evenly between the city's general fund and the police special services fund administered by the police department.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-266. Hearing.

(a) The presiding judge of the municipal courts judicial department shall designate one or more persons to act as adjudication hearing officers and conduct post-deprivation hearings for persons whose vehicles have been booted or towed under this article.

(b) Hearings shall be conducted on a first-come, first-served basis without the necessity of a prior appointment. The hours when hearings will be conducted and the place or places where they will be conducted shall be established by the presiding judge of the municipal courts judicial department, provided that hearings shall be conducted at least between 9:00 a.m. and 6:00 p.m., on Mondays through Fridays, city observed holidays excepted.

(c) The applicant may secure release of the vehicle pending the hearing by making an appearance on the unresolved parking citations and posting a bond for the administrative and boot fees prescribed in section 26-265 of this Code, as applicable. If a bond is posted then a hearing may then be scheduled for a date and time certain, and the vehicle shall be released. If the vehicle has been towed, then the applicant shall also be required to post a bond for the towing/storage fees or to make payment of the towing/storage fees to the city's contractor, as applicable, subject to reimbursement as provided in subsection (f), below.

(d) The adjudication hearing officer shall be a person who is not associated with the maintenance of the delinquent vehicle list, nor shall the adjudication hearing officer hear any appeal in which he has personally participated in any decision relating to the booting or towing of the vehicle.

(e) The only issues before the adjudication hearing officer will be whether or not the vehicle was a delinquent vehicle owned by the person designated on the delinquent vehicle list at the time it was booted or towed under this article and whether the city has complied with this article in placing it on the delinquent vehicle list and causing it to be booted or towed, or both. The adjudication hearing officer shall have no authority to adjudicate any unresolved parking citation. The adjudication hearing officer may consider any competent evidence, including, but not limited to, public records and testimony from the applicant and city employees. The applicant may be represented by legal counsel and may cross-examine any witness presented by the city. Each applicant must appear at the hearing and shall be subject to examination on any matter relevant to the issues before the adjudication hearing officer. The adjudication hearing officer shall announce and record his decision within one hour following the conclusion of the hearing.

(f) If the adjudication hearing officer determines that the vehicle was not a delinquent vehicle owned by the person designated on the delinquent vehicle list at the time it was booted or towed under this article, or that the city has not

complied with this article in placing the vehicle on the delinquent vehicle list and causing it to be booted or towed, or both, then the vehicle shall be ordered released without payment of the fees prescribed in section 26-265. Vehicle storage and related fees shall be payable for each twenty-four-hour period or portion thereof that a towed vehicle remains in storage after the adjudication hearing officer orders its release if not reclaimed within 24 hours after the adjudication hearing officer orders its release. If a bond had been posted for the administrative, boot, or towing/storage fees prescribed in section 26-265 of this Code, the bond shall be ordered to be refunded to the applicant. Furthermore, the city shall reimburse the applicant for any towing/storage fees that the applicant may have paid to a city contractor in order to secure release of the vehicle if those fees have been directly incurred by the applicant.

(g) A hearing under this section shall be requested before the sixth day following the initial booting or towing of the vehicle by the city. A hearing requested thereafter will be granted if the city has not disposed of the vehicle, provided the owner must pay the vehicle storage and related fees for each day after the sixth day until the vehicle is reclaimed, regardless of the adjudication hearing officer's determination.

(h) In any instance in which a vehicle has been towed to a vehicle storage facility not owned by the city, then the applicant may alternatively request a hearing under Section 685.003 of the Texas Transportation Code, before the justice court in the time and manner provided by Section 685.007 of the Texas Transportation Code. The judges of the municipal courts shall have no authority to adjudicate any fee imposed under section 26-265 of this Code, or to order any release of a vehicle without payment of applicable fees, or to order a refund of applicable fees.
(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-267. Certain conduct unlawful.

(a) It shall be unlawful for any person, other than an officer or employee of the city acting in the course and scope of his duties under this

article, to remove or attempt to remove or to tamper in any manner with a boot installed on any vehicle pursuant to this article.

(b) It shall be unlawful for any person, except under the written direction of a peace officer, to tow or move or to cause to be towed or moved any vehicle on which a boot is then installed pursuant to this article from the place where it was booted.

(c) It shall be unlawful for any person, other than an officer or employee of the city acting in the course and scope of his duties or the owner or operator of a booted vehicle, to remove or relocate any notice placed upon a booted vehicle under section 26-265(b)(3) of this Code.

(d) Any offense under this section shall be punishable upon conviction by a fine of not less than \$200.00 nor more than \$500.00, and each day that any violation continues shall constitute a separate offense. To the extent that any conduct declared to be unlawful under this section also constitutes a violation of any valid and applicable state law, then such unlawful conduct shall be punishable as provided by state law.
(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-268. Release of vehicles from city vehicle compound.

A vehicle that is towed to a city vehicle compound for reasons initially unrelated to the booting or towing procedures established under this article shall not be released until it has been verified that the vehicle does not appear on the delinquent vehicle list. If the vehicle appears on the delinquent vehicle list and if a review of the most current vehicle registration records available to the city indicates that the ownership of the vehicle has not changed from that reflected on the delinquent vehicle list, then the vehicle shall be subject to the fee and release provisions of section 26-265 of this Code and hearing provisions of section 26-266 of this Code. This section shall apply without regard to the day or the time that the vehicle was initially towed. However, if the towing was not initiated at a time otherwise authorized for towing under subsection (c) of section 26-264, then the presiding judge of the municipal courts judicial department shall ensure that a hearing is afforded within two hours

of a request therefor or alternatively the parking official shall authorize the vehicle to be released without resolution of the parking citations.
(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Secs. 26-269—26-290 Reserved.

ARTICLE VI. RESIDENTIAL PARKING PERMITS

DIVISION 1. GENERALLY

Sec. 26-291. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commuter vehicle means a motor vehicle, other than a 'resident vehicle' as defined herein, that is parked in a residential area in which it is not registered with the Texas Department of Transportation.

Curbside parking space means 20 linear feet of curb, excluding those portions of the curb where the parking of any motor vehicle is not permitted.

One-day visitor permit means a permit that is valid for one 24-hour period.

Permit means a current and valid permit issued under division 3 of this article.

Resident means the owner or tenant of residential property in a residential area or the tenant of an apartment complex with not more than 16 units in a residential area.

Resident vehicle means a motor vehicle parked in a residential area in which it is registered with the Texas Department of Transportation.

Residential means pertaining to the use of land for premises such as single-family homes, duplexes, condominiums and apartment complexes with eight or fewer units, that contain habitable rooms for nontransient occupancy and are designed primarily for living, sleeping, cooking and eating therein. A premises that is designed primarily for living, sleeping, cooking

and eating therein will be deemed to be residential in character unless it is actually occupied and used exclusively for other purposes. Hotels, suites hotels, motels, apartment complexes with nine or more units, boardinghouses and day care centers shall not be considered to be residential.

Residential area means a contiguous area containing or bounded by public streets or parts thereof abutted by residential property occupying at least 75 percent of the front footage along the blockface, exclusive of vacant property that is not restricted by deed, covenant, plat or otherwise to residential use. A residential area may be one or more blockfaces within a larger residential area, provided that the parking official can consider a street of 750 feet in length or greater to be two blockfaces of approximately equal length for purposes of this article if requested by the applicants.

Residential parking permit area means an area designated pursuant to division 2 of this article.

Service provider permit means a permit that is valid for use in a commuter vehicle operated by an individual who provides one or more services, such as healthcare, housekeeping, child care, etc., to a resident.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-292. Compliance with other laws.

A permit issued pursuant to this article does not excuse compliance with any other provisions of state law or this Code relating to parking, including, but not limited to, parking meter payment, 'no parking' signs and restricted parking for persons with disabilities.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-293. Offenses.

(a) It shall be unlawful for any person to park a motor vehicle that does not display a permit in a curbside parking space on any day or during any hours for which commuter vehicle parking is prohibited by official signs posted in a residential parking permit area.

(b) It shall be unlawful for any person to represent in any fashion that a motor vehicle is entitled to a permit authorized by this article when it is not so entitled. The display of a permit on a motor vehicle not entitled to the permit shall constitute such a representation.

(c) It shall be unlawful for any person to duplicate, or attempt to duplicate, by any means, a permit authorized by this article. It also shall be a violation of this article for any person to display on any motor vehicle a duplicate permit.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-294. Revocation of permit.

In addition to the penalties provided for violation of this article, the parking official shall revoke the residential permit and any associated visitor permit or service provider permit of any person found to have committed three or more violations of this article within any one year period. Upon a determination by the parking official that a person who holds a permit has been adjudicated to have committed the number of violations set forth in the preceding sentence within the prescribed period, the parking official shall provide written notification to such person by certified mail, return receipt requested, revoking the permit and ordering the surrender of any visitor permits or service provider permits held under the residential permit to the parking official. Failure to surrender a revoked visitor permit or service provider permit when requested to do so shall constitute a separate violation of this article, and a signed return receipt shall be prima facie evidence of the delivery of the notice to surrender such permit.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-295. Defenses.

It shall be an affirmative defense to civil prosecution for violation of this article that the motor vehicle parked in a residential parking permit area was:

- (1) A motor vehicle owned by or operated under contract to a utility and in actual use in the construction, operation, removal or repair of utility property or fa-

cilities or engaged in authorized work in the designated residential parking permit area;

- (2) A motor vehicle that was clearly identified as owned by or operated under contract to a federal, state, or local governmental agency, was being used in the course of official government business, and was not parked while the operator was working at his customary office or job site;
- (3) An authorized emergency vehicle; or
- (4) A motor vehicle used for delivery or service business purposes, including but not limited to motor vehicles such as moving vans and sanitation, repair, electrical and plumbing service motor vehicles, that was parked in a residential parking permit area while conducting business at a residence in the residential parking permit area.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-296. Cumulative effect.

This article is cumulative of other requirements imposed by ordinances and regulations of the city. To the extent of any inconsistency, the more restrictive provision shall govern. The authority granted by this article is cumulative of the powers granted by this chapter and does not limit the authority of the traffic engineer or other officers authorized to regulate traffic.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-297. Adjudication.

Cases involving violations of the parking provisions of this article shall be adjudicated before adjudication hearing officers of the municipal courts judicial department.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Secs. 26-298—26-310. Reserved.

**DIVISION 2. DESIGNATION OF
RESIDENTIAL PARKING PERMIT AREAS**

Sec. 26-311. Designation.

(a) The city council may designate residential areas within the city with chronic commuter parking problems as residential parking permit

areas pursuant to the procedures of this division. For purposes of this division, a 'chronic commuter parking problem' means the occupancy of curbside parking spaces by commuter vehicles at the same hours and on the same days, but shall not mean parking for events which by their nature are expected to occur on a frequency of less than once every two weeks.

(b) In carrying out the functions assigned by this division, the parking official shall consult with and obtain the concurrence of the traffic engineer.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-312. Request for designation.

(a) A request for designation of a residential parking permit area shall be initiated by petition of residents within the proposed residential parking permit area. The minimum residential area for which a petition for designation may be submitted is one blockface, including both sides of the street if both sides are residential or one residential blockface if the opposing blockface is not residential. The request shall be filed with the parking official upon a form promulgated for that purpose by the director, provided that the parking official shall not consider a request for designation of a residential parking permit area consisting of the same block or street more than once in any consecutive 12-month period. The request shall include, at a minimum, the following:

- (1) A description of the residential area proposed to be included in the residential parking permit area;
- (2) A description of the chronic parking problem or condition to be remedied;
- (3) Evidence of neighborhood support for the project;
- (4) The name, address and telephone number of a resident in the proposed residential parking permit area who shall be the contact for the request;
- (5) The names and addresses of all residents within the proposed residential parking permit area;

- (6) Evidence of support of residents of the proposed residential parking permit area for designation by the traffic engineer of the proposed area as a tow-away zone; and
- (7) Any other information reasonably required by the parking official to make any determination required under this article.

Each request shall be accompanied by a nonrefundable application fee of \$50.00.

The parking official shall immediately forward a copy of all information relating to the request to the traffic engineer.

(b) The parking official initially shall review each request for completeness. If the parking official determines that the request is complete, the request shall be acted upon as further provided in this article. If the parking official determines that the request is incomplete, he shall return the request with written notice of the deficiencies.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-313. Parking survey.

Upon receipt of a complete application for designation of a residential parking permit area, the parking official shall conduct or cause to be conducted a parking survey of the proposed residential parking permit area. The parking survey shall be conducted in the manner prescribed by the traffic engineer. The parking survey shall determine the following information, as well as any other information that the parking official or the traffic engineer determines will be useful to verify the chronic commuter parking problem identified in the application:

- (1) The total number of legal curbside parking spaces in the proposed residential parking permit area;
- (2) The number of legal curbside parking spaces that are occupied by motor vehicles;
- (3) The number of curbside parking spaces that are occupied by commuter vehicles; and

- (4) The general hours of occupancy of curbside parking spaces by commuter vehicles.
- (Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-314. Criteria for designation.

The parking official, in making a determination of approval or disapproval with respect to designation, and the city council, in making a designation, shall consider the results of the parking survey and the following criteria:

- (1) The extent to which curbside parking spaces are occupied by motor vehicles. The total number of curbside parking spaces occupied by motor vehicles at the minimum must exceed 60 percent of the number of curbside parking spaces on the public streets of the proposed residential parking permit area for the area to be eligible for designation;
- (2) The extent to which motor vehicles parking in the area are commuter vehicles. The total number of curbside parking spaces occupied by commuter vehicles during any one-hour period must equal or exceed 25 percent of the total number of curbside parking spaces occupied by motor vehicles in the proposed residential parking permit area for the area to be eligible for designation;
- (3) The extent to which residents cannot obtain adequate curbside parking adjacent to or near their residences because of widespread use of available curbside parking spaces by commuter vehicles;
- (4) The time or times of day of greatest commuter parking in the period surveyed;
- (5) The effect on the safety of the residents from intensive commuter vehicle parking;
- (6) The existence of air and noise pollution, hazardous conditions, and deterioration of the residential environment as a result of traffic congestion and insufficient parking in the area;
- (7) The extent and availability to the general public of parking in the residential area;

- (8) The extent that the designation of a residential parking permit area would be likely to reduce traffic congestion and any other problems identified in this section;
- (9) Evidence of support of the residents in the proposed residential parking permit area for the institution of a residential parking permit system and the willingness of those residents to bear the costs incidental to the issuance of permits authorized by this article;
- (10) Whether the problems identified in this section can reasonably and feasibly be solved at no additional cost to the city through an alternative to the designation of a residential parking permit area; and
- (11) Any other traffic issue identified by the traffic engineer.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-315. Parking regulations.

If the parking official determines that an application for designation meets the criteria for designation, he shall so notify the traffic engineer, including with the notification his recommendations regarding the proposed residential parking permit area. The traffic engineer, in consultation with the parking official, shall develop for the proposed residential parking permit area proposed parking regulations that shall establish the days of the week and the times of day that parking by commuter vehicles shall be prohibited in the residential parking permit area. Nothing in this article shall require the traffic engineer to develop any parking regulations for a proposed residential parking permit area for days and times the traffic engineer determines parking would interfere with traffic mobility. Parking regulations developed for residential parking permit areas for which an application is submitted after or was pending on October 19, 2005, shall not prohibit commuter vehicle parking along the portion of the blockface on which a nonresidential property faces.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-316. Public hearing.

(a) After determining that an application for designation meets the criteria for designation and developing the proposed regulations for the resi-

dential parking permit area, the parking official shall conduct a public hearing to receive comment on the designation of the proposed residential parking permit area and the proposed parking regulations.

(b) The parking official shall give written notice of the public hearing by mail no less than 15 days before the date of the public hearing as follows:

- (1) Addressed to "Occupant," of each property within, and within 200 feet of, the boundaries of the proposed residential parking permit area;
- (2) To the owner of each property located within or within 200 feet of the boundaries of the proposed residential parking permit area as shown on the most recently approved tax rolls for the county in which the proposed area is located; and
- (3) To each registered civic association and recognized super neighborhood in whose area the proposed residential parking permit area is located, provided that notice may be given electronically if that is the customary format with which the department communicates with the civic association or super neighborhood.
- (4) For purposes of this subsection 26-316(b), the boundaries of the proposed residential parking permit area shall be the rear property line, and the side property line of a corner property, of each lot or tract that abuts a blockface included in the residential parking permit area.

(c) Notice in the form prescribed by the director shall be published once in a newspaper of general circulation in the city at least 10 days prior to the hearing and shall be given in electronic format to the district council member in which the proposed residential parking permit area is located.

(d) The notice shall clearly state the purpose, date, time and location of the public hearing; the location and boundaries of the proposed residential parking permit area; the regulations proposed for the area; and the permit fees that will be charged.

(e) Written notice that is given by mail shall be deemed given when it is deposited in the United States mail, properly addressed, postage paid. The affidavit of a person who has knowledge of the fact that notice was mailed is prima facie evidence that notice has been given as required by this section.

(f) At the public hearing, any interested person, including the traffic engineer, may present testimony, orally or in writing, with respect to the proposed residential parking permit area, the proposed regulations and the permit fees. The director may establish rules for the conduct of the public hearing.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-317. Parking official action.

Following the close of the public hearing, the parking official shall approve or disapprove the proposed residential parking permit area or modify the proposal in response to public comment. If the parking official approves the proposal, with or without modification, he shall recommend the application and the parking regulations developed in relation to that application to the city council for designation of the residential parking permit area. If the parking official does not approve the proposal, he shall so advise the applicant, and the application shall not be submitted to the city council.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-318. City council action.

City council designation of a residential parking permit area shall be by motion. Designation of a residential parking permit area shall be effective 60 days after passage of the motion designating the district.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-319. Notice to residents.

As soon as practicable following the designation of a residential parking permit area, the parking official shall mail to the occupant of every

address within the designated residential parking permit area a written notice that shall contain the following information:

- (1) The existence, boundaries and numerical designation of the residential parking permit area;
- (2) The parking restrictions applicable to all motor vehicles in curbside parking spaces along public streets in the designated area that do not properly display a permit authorized by this article;
- (3) The effective date of the regulations;
- (4) The procedures and associated fees to obtain permits; and
- (5) An application for a residential permit on the form to be prescribed by the director.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Secs. 26-320—26-340. Reserved.

DIVISION 3. PERMITS

Sec. 26-341. Residential permits.

(a) Upon submission of a complete residential permit application to the parking official by a resident of a residential parking permit area, and payment of the fee prescribed in this article, an applicant shall be entitled to receive one residential permit for each motor vehicle described in the application, provided that no unresolved parking citations, as defined in section 26-261 of this Code, exist for any motor vehicle owned by the applicant.

(b) A residential permit shall be valid for one year from its date of issuance and may be renewed for as long as the motor vehicle qualifies for a residential permit; provided, that no permit that has been revoked pursuant to section 26-294 of this Code shall be reissued for a period of two years from the date of such revocation.

(c) No residential permit shall be issued for a motor vehicle whose owner or principal operator does not reside within the designated residential parking permit area.

(d) A residential permit issued for a motor vehicle that no longer qualifies for a residential permit is void.

(e) An applicant may obtain a replacement residential permit in the same manner and for the same fee as the original residential permit upon providing evidence satisfactory to the parking official that the original permit has been destroyed.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-342. Visitor and service provider permits.

(a) Upon application of any resident of a residential parking permit area, the parking official shall issue to the resident no more than the number of visitor permits or one-day visitor permits in accordance with section 26-344 that will allow motor vehicles displaying the visitor permit or one-day visitor permit to park in curbside spaces in the residential parking permit area except where or at times otherwise prohibited. Each visitor permit shall be valid for one year from the date of issuance. Each one-day visitor permit shall be valid for one 24-hour period. For purposes of this article, the resident shall be the holder of and responsible for the use of any visitor permit or one-day visitor permit issued to the resident.

(b) Upon application of any resident of a residential parking permit area, the parking official shall issue to the resident no more than the number of service provider permits in accordance with section 26-344 that will allow motor vehicles displaying the service provider permit to park in curbside spaces in the residential parking permit area except where or at times otherwise prohibited. Each service provider permit shall be valid for one year from the date of issuance. For purposes of this article, the resident shall be the holder of and responsible for the use of any service provider permit issued to the resident.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-343. Permit fees.

The schedule of fees established pursuant to section 26-345 shall be applicable initially to the permits authorized to be issued pursuant to this

article. The director shall determine annually in connection with the city's fiscal year whether an increase or decrease in these fees is required for the continued operation of the residential parking permit program and is hereby authorized to make adjustments annually to the schedule of fees. The parking official shall not issue any permit unless and until the applicable fee has been paid.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-344. Number of permits allowed.

Each residential unit may obtain visitor permits according to the following schedule:

Number of Motor Vehicles Registered	0	1	2+
Visitor Permits Allowed	4	3	2

(b) Each residential unit may obtain two service provider permits.

(c) Each residential unit is limited to five packs of one-day (24-hour) visitor permits per year, with each pack containing 20 permits.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-345. Schedule of permit fees.

(a) The annual fee for residential permits and visitor permits is \$20.00 each for the first two permits, and \$2.00 each for additional permits.

(b) The annual fee for service provider permits is \$10.00 each.

(c) The fee for one-day (24-hour) visitor permits is one for \$1.00, or a pack of 20 for \$15.00.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-346. Display of permits.

(a) Each residential permit shall be permanently adhered to the inside bottom driver side corner of the rear window of the motor vehicle. A residential permit that is not permanently adhered shall not be a valid permit.

(b) All visitor and service provider permits shall be displayed inside the motor vehicle hanging from the rear view mirror so that the permit is easily visible from outside the motor vehicle.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-347. Effect of issuance of permit.

(a) A permit shall not guarantee or reserve a curbside parking space within a residential parking permit area. A permit issued pursuant to this article shall not authorize the standing or parking of any motor vehicle in any place or during any time when the stopping, standing or parking of motor vehicles is prohibited or set aside for specified motor vehicle types. The issuance of a permit shall not excuse the observance of any traffic regulation.

(b) Whenever the holder of a permit, or the motor vehicle for which a residential permit was issued, no longer fulfills one or more of the applicable provisions of this article controlling issuance or renewal of permits, the holder shall notify the parking official, who shall direct the holder to surrender the permit or present evidence that the permit has been removed from the motor vehicle.

(c) Until its expiration, surrender or revocation, a residential permit shall remain valid for the length of time the holder continues to reside within the designated residential parking permit area.

(d) A permit shall be valid only in the residential parking permit area for which it is issued. (Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Secs. 26-348—26-370. Reserved.

ARTICLE VII. VALET PARKING**Sec. 26-371. Designation of valet zones.**

(a) Upon application by the owner or tenant of one or more commercial establishments located on a blockface in the central business district, the traffic engineer is hereby authorized to determine whether the location of a valet zone within the blockface is feasible and consistent with sound engineering practices, and, upon so determining, to notify the parking official, who is hereby authorized to place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable. The traffic engineer shall determine the number of on-street parking spaces required for each valet zone, which shall not exceed three parallel

parking spaces; provided that the traffic engineer may authorize the use of additional spaces by a hotel when he determines that traffic conditions and hotel operations warrant. The traffic engineer may authorize more than one valet zone on a blockface only upon determining that special conditions exist relating to the configuration of the blockface or to the land uses located on the blockface and that the operation of more than one valet zone will not adversely affect vehicular and pedestrian traffic. As a condition of designating or renewing designation of a valet zone, the traffic engineer may require holders of and applicants for valet zone designations to cooperate with each other where more than one commercial establishment located on a blockface desires designation of a valet zone.

(b) Each valet zone shall be located in the curbside lane of a roadway; provided, however, that the traffic engineer, upon request, may designate a portion of the roadway adjacent to a curbside that provides angled parking as a valet zone for operation during the hours from 12:00 noon on one calendar day until 2:00 a.m. on the next calendar day. Each valet zone shall be designated for a period of one year and shall require the payment of an annual fee of an amount set by the city council by motion upon the recommendation of the traffic engineer, plus a one-time fee to cover the city's actual cost of making and installing the signage designating the valet zone. The traffic engineer shall not deny a request for designation without first affording the applicant an opportunity for a hearing.

(c) The traffic engineer upon request by the owner or tenant of property on a blockface and the receipt of a fee of \$25.00 may establish a temporary valet zone upon determining that it is consistent with feasible and consistent with sound engineering practices. The temporary valet zone shall allow the operation of valet parking service during a 24-hour period. Upon approval of the temporary valet zone designation, the traffic engineer shall provide appropriate nonpermanent signage to the applicant, who shall be responsible for placing the signage in the locations determined by the traffic engineer.

(d) Each valet zone is subject to temporary or permanent suspension by the traffic engineer upon determining that the continued operation of the valet zone will interfere with the safe and efficient flow of vehicular and pedestrian traffic without refund of any portion of the annual fee. A temporary suspension shall specify the number of days that the valet zone operation is suspended. The holder of a valet zone designation, upon written request made within ten days of receipt of the notice of suspension, shall be afforded an opportunity for a hearing before the director or a hearing officer appointed by the director regarding the permanent suspension of a valet zone or the temporary suspension of a valet zone of more than seven days.

(e) Any hearing authorized by this section shall be conducted in accordance with rules promulgated by the director for that purpose. If the hearing officer denies the request to designate a valet zone or upholds the suspension of a valet zone designation, the applicant for or holder of the valet zone designation shall have the right to appeal the decision to city council pursuant to and subject to compliance with Rule 12 of the Council Rules of Procedure by filing notice of appeal with the city secretary, with a copy to the director, within 15 days of the date the decision is placed in the mail addressed to the applicant or holder. Neither request for a hearing nor appeal of a decision shall act to abate the suspension of a valet zone.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Secs. 26-372—26-470. Reserved.

ARTICLE VIII. OFF-STREET PARKING AND LOADING

DIVISION 1. IN GENERAL

Sec. 26-471. Purpose and applicability.

(a) This article is enacted for the purpose of requiring all persons developing new and redeveloping existing buildings within the city to provide sufficient off-street parking and loading facilities for such buildings. It is the intent that the provision for parking and loading be provided at all

times while these buildings are occupied or otherwise in use, and that no building may be permitted to be used or occupied without provision for the facilities as required in divisions 2, 3 and 6 of this article, except as provided in divisions 4 and 5 of this article.

(b) This article applies only:

- (1) To construction of new buildings; and
- (2) To the alteration of existing structures where the alteration results in an increase in:
 - a. The gross floor area of a building; or
 - b. The useable floor area an existing free-standing structure; and
- (3) To a change of land use; and
- (4) To a change of use in a free-standing building from one occupancy class to another occupancy class; and
- (5) To a change of use in a strip or neighborhood shopping center where the addition of a class 6 or 7 occupancy to the strip or neighborhood shopping center increases the total gross floor area of the shopping center used by class 6 or 7 occupancies.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-472. Definitions.

For the purpose of this article, the following terms, phrases and words will have the meanings ascribed to them. When not inconsistent with the context, words used in the present tense include the future; words in the singular include the plural; and words used in the plural number include the singular number.

Any office referred to herein by title will include the person employed for or appointed to that position or his duly authorized deputy or representative. As used herein the word "building" includes buildings, structures and portions thereof.

Alteration means any change of occupancy or any addition or modification in construction of a building or structure that results in an

increase in the gross floor area of a building or in the useable floor area in a free-standing structure.

Apartment house means any building, or portion thereof, which is designed, built, rented, leased, let out or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other, and shall include flats and apartments, and shall include a condominium created under chapter 81 or 82 of the Texas Property Code.

Arcade or game room means a building designed primarily as a place of amusement and recreation that may include pinball machines, video games and other related amusement machines or devices.

Arena means an enclosed or unenclosed structure or area which includes a large area dedicated to seating for spectators.

Art gallery or museum means a building that contains the facilities for the sale, loan or display of books, paintings, sculptures or other works or objects of art.

Auditorium means a building for use as a place for public and/or private gatherings.

Auto parts and supply store means a building containing a facility for the sale of motor vehicle parts and related items to the general public.

Auto repair establishment means a retail establishment engaged in the sale of automobile fuel, motor oil or repair services essential to the normal operation of motor vehicles.

Auto sales dealer means a building containing a facility for the display, service and retail sales or for the leasing of motor vehicles.

Bar, club or lounge means a building or a place of business that derives 75 percent or more of its gross revenue from the on premise sale of alcoholic beverages and provided that the premises does not hold a food and beverage certificate issued by the Texas Alcoholic Beverage Commission.

Barber and beauty shop means a building containing a facility for the cutting of hair,

providing facial and manicure treatments and licensed by the State of Texas as a barber shop or beauty establishment.

Berth means a permanently allweather surfaced, marked area wholly within private property, the configuration of which complies with the written requirements of the traffic engineer for such berths.

Billiard hall means a building or area within containing facilities designed primarily for the purpose of playing the game of billiards.

Bowling alley means a building designed for playing the game of bowling.

Building means any structure or portion thereof, which is built, or otherwise constructed, for the support, shelter or enclosure of persons, animals, or property of any kind.

Building materials or home improvement store means a building, the major use of which is devoted to the sale of lumber, tools, screws, nails, paint, painting materials and related items.

Car wash (automated) means a building containing facilities for washing more than two motorized vehicles using production line methods with a chain conveyor, blower, steam cleaning device or other mechanical devices.

Car wash (all others) means a building for the washing of motorized vehicles.

Central business district or CBD means the area included and bounded by Buffalo Bayou, Chartress Street, Texas Street, Dowling Street, Hadley Street, Hamilton Street, McGowen Street, Bagby Street, and Heiner Street as projected and extended to Sabine Street. Properties abutting and fronting on such streets are included in the district.

An area that has:

- (1) A permanent public transit system;
- (2) Demonstrates a modal split in favor of public transportation;
- (3) An equivalent level of municipally owned public parking; and

- (4) Equivalent levels of vehicular traffic, as determined after a study by the director,

may be added to the above-described area and may, after a public hearing, be designated by the city council as a central business district.

Certificate of occupancy means a document issued by the building official after final inspections certifying that the building or structure complies with the provisions of this article and the Construction Code.

Church means a building which is exempt from ad valorem taxes, in which a society of persons who profess a religious belief regularly assemble for religious worship or religious instruction or for propagating a particular form of religious belief.

Clinic (medical complex) means a group of interrelated buildings in close proximity to one another containing facilities providing all types of human medical care under common management or control including medical or dental professional buildings as a part of such a complex.

Clinic (medical or dental) means a building, the principal use of which is for the offices of physicians or dentists for the examination and treatment of persons on an out-patient basis. A clinic (medical or dental) shall include medical or dental professional buildings which are not a part of a clinic (medical complex) as herein defined.

Clothing store means a building, the major use of which is devoted to the sale of clothing.

College or university means a building containing the facilities for an institution of higher learning beyond the level of secondary schools.

Commission the city's planning commission created by the provisions of chapter 33 of this Code.

Compact car means a vehicle with an overall length of 16 feet or less and an overall width of six feet or less.

Construction means any act of forming, assembling, erecting or building a structure, building or portion thereof.

Convenience market means an establishment which provides services, primarily to individuals, of a convenient and limited nature, often in access-controlled facilities which make twenty-four-hour operation possible. This use may include the renting of private postal and safety deposit boxes to individuals and automated banking machines.

Department means the department of planning and development.

Director means the director of the department of planning and development and his designees.

Discount store means an establishment which primarily sells off-price goods or offers discounted prices for general retail merchandise.

Driving range (golf) means an area containing facilities to hit or impel a ball forcibly as practiced in the game of golf.

Dwelling unit means a single, integral portion of a building that provides complete, independent living facilities for one or more persons including permanent provisions for living, eating, working and sanitation.

Financial facility means a building with facilities for an establishment authorized to receive and safeguard money, lend money, execute bills of exchange and purchase and exchange foreign currency, including, but not limited to, banks, savings and loan associations and savings banks.

Funeral home or mortuary means an establishment engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals.

Floor area ratio means the resulting number obtained by dividing the total floor area within a structure on a lot by the area of the lot.

Furniture store means a building, the major facility of which is devoted to the retail sale and display of furniture and appliances.

Golf course means a geographically defined area of land for the playing of the game of golf.

Greenway means an area generally described as follows:

- (1) The area included and bounded by Buffalo Speedway, Richmond Avenue, Timmons Lane, Southwest Freeway (U.S. 59).
- (2) The area included and bounded by the Southwest Freeway (U.S. 59), Edloe Street, Westpark Drive and Wesleyan.
- (3) The area included and bounded by Wesleyan, Portsmouth Street, Timmons Lane and the Southwest Freeway (U.S. 59).
- (4) The area included and bounded by Richmond Avenue, Edloe Street, Timmons Lane and a line approximately 500 feet north of and parallel to Richmond Avenue.

The Greenway Area is more particularly described in a metes and bounds description and map attached to Ordinance No. 89-712 as Exhibit "B." All properties abutting and fronting on the streets included in this description of this area may not be included in Exhibit "B."

Gross floor area or GFA means the numerical expression in square feet of the enclosed gross floor area of the building or structure based upon the area submitted in the building permit application.

Holder of legal interests means a person or entity which holds fee simple title to certain land or structures. This term shall also include lessees who hold a ground lease with a remaining term of at least 20 years.

Hospital means a building containing facilities licensed by the State of Texas to provide medical care of the sick or injured.

Hotel or motel means any building containing guest rooms intended or designed to be used, rented, let out or hired out to be occupied or which are occupied for sleeping purposes by guests.

Industrial facility means a building containing facilities for the commercial production and sale of goods and services.

Library means a building or buildings that contain a repository or collection of literary and artistic materials such as books, periodicals and newspaper.

Loading means the act or activity of transferring items of property to or from a motor vehicle licensed as a truck by the State of Texas.

Loading berth means a designated interior or exterior space for the loading, unloading or parking of trucks and motor vehicles other than motor vehicles principally designed for passengers, that complies with the requirements of division 4 of this article.

Manufactured home means a structure, transportable in one or more sections, which is eight body feet or more in width and 32 feet or more in length, which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and which includes the plumbing, heating, air-conditioning and electrical systems.

Manufacturing facility means a building for the performance of an operation or activity to make or process a raw or partially completed material into a finished or partially finished product.

Memorandum of lease means an agreement in recordable form signed by both a lessor and lessee setting forth the legal description of the property covered, the term of the lease and providing that the applicable property will be used exclusively for the parking of motor vehicles for the related use.

Mini-warehouse facilities means a building or group of buildings within an area primarily designed to contain space in individual compartments available to the general public for rent or lease for storage.

Miniature golf means a simplified version of golf played on a miniature course.

Movie theater means a building containing facilities for showing motion pictures to an audience or audiences.

Museum means a building or buildings that contain facilities for the loan or display of books, objects of art and science.

Nursery school or day care center means a building that contains facilities related to the care and education of children primarily under the age of six years. It shall include, but not be limited to, all buildings and facilities licensed by the State of Texas as child care facilities under Chapter 42 of the Texas Human Resources Code.

Nursing home means a building containing facilities licensed by the State of Texas to provide accommodations for convalescents or other persons who are not acutely ill and not in need of hospital care but require skilled care and related medical services.

Occupancy means the classification of the use of a building or structure pursuant to section 26-492 of this Code.

Off-site parking means a parking facility or facilities located on a site other than the site for which a building or certificate of occupancy is sought and which facilities must be operated in order to comply with the requirements of this article.

Office means a building housing professional, administrative, educational, financial, religious, philanthropic, scientific or statistical organizations or a building in which the regular transaction of business occurs if that building has not been covered elsewhere in this article.

On-site means a location which is a genuine part of a development and located on a contiguous tract or parcel of land, subdivided lot or contiguous lots, or parts thereof, or on acreage intended and suitable for development. An on-site location does not include properties located across a public street or right-of-way.

Park pavilion means an enclosed or semi-enclosed building containing facilities for picnicking.

Parking management area or PMA means a high density urban development with a minimum of 3,500,000 GFA and a minimum floor area ratio of 1.0 under a unified management entity in close proximity to permanent transit facilities.

Parking space means an identified marked area wholly within private property which is allweather surfaced and which complies with the requirements of this article.

Permit means a building permit or an occupancy certificate issued by the building official.

Private sector parking facility means a facility or facilities used for the purpose of storing parked vehicles.

Psychiatric hospital means a building containing facilities licensed by the Texas Department of Mental Health and Mental Retardation to provide care of the mentally ill or retarded.

Reciprocal easement agreement means a written agreement in recordable form between two or more property owners which includes, but is not limited to, a restriction on the use of certain property for parking purposes and designates the building or buildings which shall be entitled to the exclusive use of the designated parking areas.

Restaurant means a coffee shop, cafeteria, luncheonette, tavern, sandwich stand, soda fountain, and any other eating establishment, organization, or club, including veterans' club which gives or offers food for sale to the general public.

Restaurant (with drive-in or drive-through facilities) means a restaurant which includes facilities for the service of meals, or portions thereof, to a person or persons while in automobiles.

Retail store (freestanding) means a freestanding building which is generally designed for the retail sale or rental of commonly used goods or merchandise including but not limited to, apparel stores, furniture stores, or establishments providing products or services including, but not limited to: household cleaning and maintenance products, drugs, cards, statio-

nery, notions, books, tobacco products, cosmetics, and specialty items, flowers, plants, hobby materials, toys and handcrafted items, jewelry, fabrics, and like items, cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishings and appliances, art supplies, framing supplies, antiques, paint and wallpaper, carpeting, floor covering, interior decorating services, office supplies, or bicycles.

Retirement community (with kitchen facilities) means a building or series of buildings containing two or more individual dwelling units with individual kitchen facilities which are:

- (1) Specifically designed to meet the needs of persons over 55 years of age; and
- (2) Restricted for use for such purposes.

Retirement community (without kitchen facilities) means a building or series of buildings containing two or more dwelling units without individual kitchen facilities which are:

- (1) Specifically designed to meet the needs of persons over 55 years of age; and
- (2) Restricted for use for such purposes.

Roller or ice skating rink means an establishment designed primarily for use as a roller skating or ice skating area with a limited auditorium seating area.

School (public, denominational or private) means a building that contains facilities operated by a public, religious, or other agency with a curriculum for kindergarten, elementary or secondary education.

Service station means a building for the service of motor vehicles including but not limited to, the sale of gasoline and automobile repair and maintenance.

Shared parking means the use of the same off-street parking stall or stalls to satisfy the off-street parking requirements for two or more individual land uses without significant conflict or encroachment.

Shopping center (community) means a group of commercial establishments contained in a building or buildings encompassing a total building area from 100,001 to 400,000 square feet developed as an integrated unit under common ownership or common parking agreement (reciprocal parking agreement or similar arrangement) with on-site parking.

Shopping center (neighborhood) means a group of commercial establishments contained in a building or buildings encompassing a total building area from 25,001 to 100,000 square feet developed as an integrated unit under common ownership or common parking agreement (reciprocal parking agreement or similar arrangement) with on-site parking.

Shopping center (regional) means a group of commercial establishments contained in a building or buildings encompassing a total building area from 400,001 to 1,000,000 square feet developed as an integrated unit under common ownership or common parking agreement (reciprocal parking agreement or similar arrangement) with on-site parking.

Shopping center (strip) means a group of commercial establishments contained in a building or buildings encompassing a total building area from 0 to 25,000 square feet developed as an integrated unit under common ownership or common parking agreement (reciprocal parking agreement or similar arrangement) with on-site parking.

Shopping center (super regional) means a group of commercial establishments (including but not limited to occupancy class categories 6, 7, 8 and 9) contained in a building or buildings encompassing a total building area in excess of 1,000,000 square feet developed as an integrated unit under common ownership or common parking agreement (reciprocal parking agreement or similar arrangement) with on-site parking.

Single-family residential dwelling unit means a building designed to contain one or two separate living units with facilities for living, sleeping, cooking and eating.

South Main/Texas Medical Center (South Main/TMC) means the area generally described as follows:

- (1) The area included and bounded by Fannin, Holcombe, South Braeswood and North McGregor and commonly known as the Original Campus.
- (2) The area included and bounded by Holcombe, Main Street, Maroneal and Montclair and commonly known as the South Main Addition—Hotel Site.
- (3) The area included and bounded by Holcombe, South Braeswood, Braes Bayou and Fannin and commonly known as the Fay Addition.
- (4) The area included and bounded by South Braeswood, Wyndale, Staffordshire, Old Spanish Trail and Selma and commonly known as the South Extension.
- (5) The area included and bounded by Old Spanish Trail, Cambridge, El Paseo and Knight Street and commonly known as the South Campus.
- (6) The area included and bounded by Old Spanish Trail, Almeda, Holcombe and Cambridge and commonly known as the Veteran's Administration Medical Center.
- (7) The area included and bounded by Holcombe, Braes Bayou and the northerly extension of Cambridge and commonly known as the Holcombe/Meyer Tracts.
- (8) The area included and bounded by South McGregor Way, HB&T RR and SH 288 and commonly known as the Anderson Campus.
- (9) The area included and bounded by Main Street, Holcombe, Fannin, Braes Bayou and Greenbriar and commonly known as the South Main Addition.
- (10) The area included and bounded by Fannin, Main, Holcombe and outer Belt.
- (11) The area included and bounded by Holcombe, South Braeswood and Braes Bayou and commonly known as the Center Pavilion site.
- (12) The area included and bounded by South Braeswood, Greenbriar, Old Spanish Trail and North Stadium and commonly known as one of the Smith Tracts.
- (13) The area bounded by South Braeswood to the north and Greenbriar to the west, and being approximately the western half of the area included and bounded by South Braeswood, Phoenix, Colonnade and Greenbriar and commonly known as one of the Smith Tracts.
- (14) The area bounded by Colonnade to the north, Greenbriar to the west, Old Spanish Trail to the south, and by the unrestricted tract in the Colonnade and Phoenix Drive Street Dedication Plat to the east and commonly known as one of the Smith Tracts.
- (15) The area included and bounded by West Holcombe Boulevard to the north, Grand Boulevard to the east, Lockett Avenue to the south, and Almeda Road to the west and formerly known as the Nabisco Plant located at 2450 Holcombe.

The South Main/Texas Medical Center is more particularly described in a metes and bounds description and map attached to Ordinance No. 89-712 as Exhibit "A," in Ordinance No. 93-1020 as Exhibit "A-1" and in a metes and bounds description and map attached to Ordinance No. 2002-681 as Exhibit "A-2." Any reference in this article, or in Ordinance No. 89-712 to Exhibit "A" shall mean Exhibit "A" attached to Ordinance No. 89-712, Exhibit "A-1" attached to Ordinance No. 93-1020 and Exhibit "A-2" attached to Ordinance No. 2002-681. All properties abutting and fronting on the streets included in the general description of this area may not be included on Exhibit 'A,' 'A-1,' or 'A-2.'

Special residential uses means uses which include rooming houses, group dwellings, community facilities, homes for physically or mentally handicapped, lodging houses or other similar uses.

Sports club/health spa means a building equipped with facilities to promote and encourage physical exercise, development and relaxation.

Sports complex means a facility or area containing baseball, softball, football and soccer fields and related uses.

Stadium means a building with tiers of seats designed to accommodate spectator sports and other types of public amusement and entertainment.

Supermarket means a building containing a self-service retail food and household goods store, including but not limited to, convenience stores.

Swimming club means a building or area the primary use of which is aquatic sports or recreation.

Temporary classroom building means a building(s) built on skids and which is utilized by a public school district for the purpose of eliminating the shortage of classrooms in order to bring the student/teacher ratio into compliance with state law.

Tennis/racquet club means a building equipped with courts designed for playing racquet sports.

Theater means a building or area containing facilities for the performance of theatrical, literary or lyrical productions.

Trade school means a building providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a college or university, or school (private, denominational or private).

Transit facility means a facility which is:

- (1) Owned and operated by the Metropolitan Transit Authority (METRO);

- (2) A permanent and integral part of the transit system of METRO;
- (3) Designed to serve as a point from which METRO patrons take ingress and egress from the METRO transit system; and
- (4) Existing and has a remaining useful life which is at least equal to or greater than the life of the structures existing or proposed to be constructed within a proposed parking management area.

In addition, to qualify transit facility, an applicant must obtain a written certification from METRO addressed to the commission that each such facility meets the requirements for designation as a transit facility under this definition.

Transportation terminal means a building or structure which is used to accommodate the arrival and departure of passengers by aircraft, motor bus or railroad train.

Truck terminal means a building designed with two or more loading docks to facilitate the loading or unloading of trailer trucks.

Uptown/Galleria means an area generally described as follows:

- (1) The area included and bounded by San Felipe, South Post Oak, Post Oak Lane and the south boundary of West Oaks Subdivision.
- (2) The area included and bounded by San Felipe, West Loop South, Westheimer and McCue as extended to San Felipe.
- (3) The area included and bounded by Brownway, Yorktown, Sage and West Alabama.
- (4) The area included and bounded by McCue, Westheimer, Sage and a line approximately 600 feet north of and parallel to Westheimer.
- (5) The area included and bounded by Westheimer, West Loop South, Richmond Avenue and Sage.

The Uptown/Galleria Area is more particularly described in a metes and bounds description and map attached to Ordinance No. 89-712 as Exhibit "C." All properties abutting and fronting on such streets included in this description of this area may not be included in Exhibit "C."

Useable floor area or UFA means the gross floor area of a structure excluding lobbies, hallways, restrooms, elevators, stairwells, mechanical shaft or verticle penetrations, atriums, mechanical rooms and service rooms.

Veterinary clinic means a building, the principal use of which is for the examination and treatment of animals.

Warehouse means a building in which goods or merchandise are stored.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-473. Site plan requirements for off-street parking and loading; penalty for article violations.

(a) The site plan review to verify compliance with all the off-street parking requirements of this article will be performed by the department. The site plan review process must be completed prior to the issuance of a building permit.

(b) No building permit shall be issued by the building official for the construction or alteration of a building within the city unless the director approves the site plan verifying that the applicant provides for the parking and loading needs for the facilities as required in this article except as provided in divisions 4 and 5 of this article. The director will be responsible for the review and approval of the site plan for compliance with the requirements of this article.

(c) No certificate of occupancy, as that term is used in the Building Code, shall be issued by the building official for a new or altered building wherein there has been a change in the use or occupancy classification unless the parking and loading facilities required for the new type of occupancy or use are constructed or provided. Prior to the issuance of a certificate of occupancy,

the building official shall inspect the parking and loading facilities provided to verify compliance with the approved site plan.

The building official may issue a building permit that does not require the construction of parking or loading facilities required by this article if the building permit is for the reconstruction of an existing building of which 50 percent or less was physically destroyed by flooding, fire, windstorm or acts of God. This exemption shall apply only where reconstruction of that building will not result in an increase in the GFA or UFA of the building or a change in use.

Except as provided in section 26-499(h) of this Code, no site plan review shall be required for work performed by a tenant, on behalf of a tenant, in:

- (1) A shopping center; or
- (2) A portion of a building in excess of 20,000 square feet of GFA, unless that tenant finish work alters the exterior dimensions of the shopping center or the building. For buildings that are less than 20,000 square feet of GFA, a site plan review for compliance with this article shall be required where a change of occupancy is proposed for all or a portion of that building.

In addition, the building official shall issue a building permit that does not require the construction of parking or loading facilities if the building permit does not pertain to the construction or alteration of a building for the purpose of increasing the intensity of use on the site and does not result in an increase in intensity of use on the site or a change in use of that building specifically including, but not limited to, finish work performed by a tenant, or on behalf of tenant, in all or a portion of a shopping center or other structure.

(d) The city council hereby finds and declares that a central business district(s) as herein defined has in place:

- (1) A demonstrated modal split of at least 20 percent ridership in favor of public transportation;

- (2) A significant level of parking that is available to the public without restriction (except for payment of a fee) that provides supplemental parking to that provided as a part of the individual land uses in the district(s); and
- (3) Hourly loading restrictions imposed by ordinance of the city council.

Having made these findings, city council has determined that the central business district has in place an adequate level of parking and loading facilities and it is hereby exempted from the requirements of this article.

(e) It shall be a violation of this article for any person to construct or alter any building or improvement upon any property within the territorial limits of the city without first complying with the provisions of this article; provided, however, that no submission or approval of a site plan shall be required for the construction or alteration, of a building or improvement within the central business district. Any person violating any provision of this article shall be guilty of a misdemeanor and, upon conviction, shall be fined an amount not less than \$100.00 nor more than \$500.00. Each day that such violation continues shall constitute a separate offense. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violation of this article.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-474. Deed restriction compliance.

(a) A site plan submitted for review in order to verify compliance with all of the off-street parking requirements of this article shall not include any land for off-site parking that is restricted to residential use where the use or intended use of that restricted property as an off-site parking facility for a nonresidential purpose or enterprise would violate the applicable deed restrictions.

(b) No site plan submitted for review pursuant to this article shall be approved by the director if any of the off-site parking facility or facilities utilized to satisfy the off-street parking requirements of this article includes any land that is restricted to residential use and the use or intended use of that restricted property as an off-

site parking facility for a nonresidential purpose or enterprise would violate the applicable deed restrictions.

(c) Every applicant who submits a site plan for review to verify compliance with the requirements of this article shall furnish to the director a certified copy of the instruments containing the deed restrictions, or the instrument of revocation or termination, or the declaratory judgment, or any other recorded document containing restrictions that affect the use of all or any part of the property within the site plan, including all on-site and off-site parking facilities. If there are no recorded restrictions affecting the use of any of the property included within the site plan then the applicant shall submit a current abstractor's certificate or a title commitment which expressly states that there are no recorded restrictions applicable to the subject property. An abstractor's certificate or a title commitment required by this section shall be prepared within 30 days prior to the date submitted by a title company authorized by law to do business in this state or by an attorney licensed to practice law in this state.

(d) No site plan shall be approved and no building permit or certificate of occupancy shall be issued until the requested supporting documentation has been produced. Any site plan approved or permit issued on the basis of either erroneous documentation or false information is void with the same force and effect as if it had never been approved or issued without the necessity of any action by the city or any other person or agency. (Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Secs. 26-475—26-490. Reserved.

DIVISION 2. REQUIREMENTS FOR PARKING SPACES

Sec. 26-491. In general.

No building permit shall be issued for the construction or alteration of a building in the categories listed in section 26-492 of this Code unless the building includes the construction of or provides for the off-street parking facilities. Such

facilities shall be on the same site as the use those facilities are intended to serve except as otherwise provided for in this article.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-492. Parking spaces for certain types of occupancies.

Except for buildings located in a parking management area created under the provisions of section 26-500 of this Code, the construction of a building for any of the following types of occupancies shall provide the requisite number of off-street parking spaces, or the incremental number of off-street parking spaces in the case of an alteration, as shown below for that type of occupancy. The requirements of this division do not apply to the placement of temporary classroom building(s) for public schools where:

- (1) There is a reasonable likelihood that the construction necessitating a temporary classroom building will not continue for more than five years; and
- (2) An analysis of the public school site and the buildings thereon support the conclusion that timely compliance with the statutory student/teacher ratio cannot be achieved without the installation of the temporary classroom building(s).

<i>Type of Occupancy</i>	<i>Parking Spaces</i>
Class 1. Office:	
a. Office	2.5 spaces for every 1,000 square feet of GFA or 2.75 for every 1,000 square feet of UFA
b. Financial facility	4.0 spaces for every 1,000 square feet of GFA (see also section 26-541(a)(4))
Class 2. Residential:	
a. Apartment house	1.250 spaces for each efficiency apartment
	1.333 spaces for each one-bedroom apartment
	1.666 spaces for each two-bedroom apartment
	2.0 spaces for each apartment with 3 or more bedrooms
b. Single-family residential dwelling unit	2.0 parking spaces for each dwelling unit
c. Manufactured home	2.0 parking spaces per dwelling unit
d. Special residential uses	0.3 parking space per sleeping room, plus 1.0 parking space per employee on largest shift
e. Retirement community (with kitchen facilities)	0.75 space per dwelling unit, plus parking spaces for support based upon the provisions of section 26-499 of this Code
f. Retirement community (without kitchen facilities)	1.0 space for every 6 beds plus 1.0 space per employee on largest shift
g. Hotel or motel	1.0 parking space for each sleeping room up to 250 rooms;
	0.75 parking spaces for each sleeping room from 251 rooms to 500 rooms;
	0.50 parking spaces for each sleeping room in excess of 500 rooms

<i>Type of Occupancy</i>	<i>Parking Spaces</i>
Class 3. Health Care Facilities:	
a. Hospital	2.2 spaces for each bed proposed to be constructed
b. Psychiatric hospital	1.0 space for each 4 beds proposed to be constructed and 1.0 space for every 4 employees
c. Clinic (medical complex)	2.7 spaces for every 1,000 square feet of GFA
d. Clinic (medical or dental)	3.5 spaces for every 1,000 square feet of GFA
e. Nursing home	1.0 space for every 3 beds proposed to be constructed and 1.0 space for every 4 employees
f. Funeral home or mortuary	0.5 spaces for every chapel seat
g. Veterinary clinics	5.0 spaces for every 1,000 square feet of UFA
Class 4. Industrial, Commercial Manufacturing:	
a. Multi-tenant (or multi-building project):	
1. At grade (no docks)	2.5 spaces per 1,000 square feet of GFA of office space; and 1.0 spaces per 5,000 square feet of GFA of warehouse space
2. Semi-dock high	2.5 spaces per 1,000 square feet of GFA of office space; and 1.0 spaces per 5,000 square feet of GFA of warehouse space
3. Full-dock high	2.5 spaces per 1,000 square feet of GFA of office space; and 1.0 spaces per 7,000 square feet of GFA of warehouse space
b. Bulk warehouse	2.5 spaces per 1,000 square feet of GFA of office space; and 1.0 spaces per 7,000 square feet of GFA of warehouse space
c. Heavy manufacturing and industrial	2.5 spaces per 1,000 square feet of GFA of office space; and 1.0 spaces per 2,000 square feet of GFA of warehouse space
d. Light manufacturing assembly and research and development	2.5 spaces per 1,000 square feet of GFA of office space; and 1.0 space per 1,500 square feet of GFA of assembly space
e. Transportation terminal	6.5 spaces per 1,000 square feet of GFA of waiting area
f. Truck terminal	1.0 spaces per 2,000 square feet of GFA
g. Mini-warehouse facilities	1.0 spaces for every 40 storage units or bays
Class 5. Religious and Educational:	
a. Church	1.0 space for every 5 fixed seats in auditorium or sanctuary or, if there are no fixed seats, 1.0 space for every 40 square feet of GFA in the main auditorium or sanctuary

<i>Type of Occupancy</i>	<i>Parking Spaces</i>
b. Nursery school or day care center	1.0 space for every employee on duty during the largest shift, plus 1.0 space for every 5 children in attendance when the facility is operating at maximum capacity or, if drop-off facilities are provided under section 26-541(a)(4) of this Code, 1.0 space for every employee on duty during the largest shift and 1.0 space for every 10 children in attendance when the facility is operating at maximum capacity
c. School (Public, denominational or private):	
1. Elementary school	1.5 spaces per thirty-person classroom
2. Junior high school	3.5 spaces per thirty-person classroom
3. Senior high school	9.5 spaces per thirty-person classroom
d. College or university or trade school	1.0 space for every 3 employees plus 1.0 space for every 10 students residing on campus and 1.0 space for every 5 students not residing on campus
e. Library	1.2 space for every 1,000 square feet of GFA
f. Art gallery or museum	3.0 spaces for every 1,000 square feet of GFA of exhibit area or gallery space
Class 6. Recreation and Entertainment:	
a. Golf course	5.0 spaces for every green
b. Movie theater	0.3 spaces for every seat
c. Bowling alley	5.0 spaces per lane
d. Theater, auditorium or arena	1.0 space for every 3 seats
e. Tennis/racquet club	3.0 spaces per court
f. Sports club/health spa	5.0 spaces for every 1,000 square feet of GFA
g. Roller or ice skating rink	5.0 spaces for every 1,000 square feet of GFA
h. Swimming club	9.0 spaces per employee
i. Park (5—10 acres)	1.0 space for the first 2 acres and 1.0 space for each additional acre and additional parking must be provided for each additional facility or land use constructed in the park as herein provided
j. Park (over 10 acres)	5.0 spaces for the first acre; and 1.0 space for each additional 10.0 acres; additional parking must be provided for each additional facility or land use constructed in the park as herein provided
k. Park pavilion	1.0 space for each picnic table
l. Sports complex	1.0 space for every 40 square feet of seating
m. Miniature golf	1.0 space for each hole
n. Driving range (golf)	1.0 space for each tee

<i>Type of Occupancy</i>	<i>Parking Spaces</i>
o. Arcade or game room	1.0 space for every 200 square feet of GFA
p. Billiard hall	2.0 spaces for every billiard table
Class 7. Bar or Restaurant:	
a. Restaurant (including outdoor decks, patio and/or seating areas)	8.0 spaces for every 1,000 square feet of GFA and outdoor decks, patio and/or seating areas in excess of 15% of gross floor area
b. Bar, club or lounge (including outdoor decks, patio and/or seating areas)	10.0 spaces for every 1,000 square feet of GFA and outdoor decks, patio and/or seating areas
Class 8. Retail Services:	
a. Supermarket or convenience market	5.0 space for every 1,000 square feet of GFA
b. Clothing store	4.0 spaces for every 1,000 square feet of GFA
c. Furniture store	2.0 spaces for every 1,000 square feet of GFA
d. Retail store (freestanding)	4.0 spaces for every 1,000 square feet of GFA
e. Building materials or home improvement store	4.0 spaces for every 1,000 square feet of GFA of retail sales area
f. Barber or beauty shop	3.0 spaces for each operator chair and 1.0 space for each employee
g. Shopping center (strip) (up to 25,000 GFA)	4.0 spaces for every 1,000 square feet of GFA, except the increment of GFA used for a bar, club or lounge shall provide the equivalent of 10 spaces for every 1,000 square feet of GFA ¹
h. Shopping center (neighborhood)(25,001—100,000)	4.0 spaces per 1,000 square feet of GFA, plus increment ²
i. Shopping center (community) (100,001—399,999)	4.0 spaces per 1,000 square feet of GFA
j. Shopping center (regional) (400,000—1,000,000 GFA)	5.0 spaces for every 1,000 square feet of GFA
k. Shopping center (super regional) (over 1,000,000 GFA)	4.0 spaces for every 1,000 square feet of GFA
l. Discount store	4.0 spaces for every 1,000 square feet of GFA
Class 9. Automobiles:	
a. Auto sales dealer	5.5 spaces for every 1,000 square feet of GFA
b. Auto repair establishment	5.0 spaces for every 1,000 square feet of GFA
c. Car wash (automated)	2.5 spaces for each bay or stall for stacking space
d. Car wash (all other)	1.0 space per stall

<i>Type of Occupancy</i>	<i>Parking Spaces</i>
e. Service station	3.0 spaces for each service stall and 1.0 space for each employee on duty during largest shift
f. Auto parts and supply store	4.0 spaces for every 1,000 square feet of GFA of retail sales area.

¹ If more than 20 percent of the shopping center is occupied or to be occupied by class 6 and/or 7 occupancies, other than a bar, club or lounge, then the incremental increase in the number of off-street parking spaces required per 1,000 square feet of GFA will be calculated using the number assigned for the specific occupancy proposed for the new construction or alteration.

² If more than 20 percent of the shopping center is occupied or to be occupied by class 6 and/or 7 occupancies, then the incremental increase in the number of off-street parking spaces required per 1,000 square feet of GFA will be calculated using the number assigned for the specific occupancy proposed for the new construction or alteration.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-493. Unspecified uses.

(a) The director shall determine the appropriate use category in each case. If there is any uncertainty with respect to the amount of parking space required by the provisions of this article as a result of any indefiniteness as to the proposed use of a building or of land, the maximum requirement for the general type of use that is involved shall govern.

(b) The director shall determine the minimum number of parking spaces required for any use not specified above. The director shall consider the following in establishing parking requirements for an unspecified use:

- (1) Documentation supplied by the applicant regarding actual parking demand for the proposed use;
- (2) Evidence or data in available planning and technical studies relating to the proposed use;
- (3) Required parking for the proposed use as determined by other comparable jurisdictions; and

- (4) Required parking for similar uses.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-494. Fractional requirements.

If the parking requirements of this article result in a fractional requirement, and that frac-

tion is 0.5 or greater, the property owner shall provide parking spaces equal to the next higher whole number.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-495. Use of parking space.

All required parking facilities shall be maintained for the duration of the use requiring such areas. Such facilities shall be used exclusively for the temporary parking of passenger automobiles, motor vehicles, or light trucks not exceeding one ton in capacity and shall not be used for the sale, display or storage of merchandise, or for the storage or repair of vehicles or equipment. An owner may install the required parking spaces in phases if the schedule has been approved by the director. Each phased parking installation must include enough parking to meet the parking requirements for the completed phases of the development for which the parking is provided. This phasing schedule must specifically indicate the dates on which all parking approved pursuant to this article will be provided.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-496. Accessible parking.

Accessible parking spaces for vehicles operated by or for persons with disabilities shall be provided in accordance with state and federal standards. When only one parking space is required

under this article, accessible parking requirements shall be in addition to the one parking space so required.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-497. Parking for compact cars.

A maximum of 35 percent of the spaces may be designed and reserved for small or compact cars. In addition, no such compact spaces shall be permitted in any building designed to be used for residential purposes or in parking lots of less than 40 parking spaces. Compact parking spaces shall be identified by appropriate directions and marking.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-498. Off-site parking.

(a) Except as otherwise provided herein specifically including but not limited to land included within a PMA created under the provisions of section 26-500 of this Code, no site plan or building permit shall be approved by the department unless at least 75 percent of the parking facilities required by this article are located on the site for which the permit is sought. Provided, however, that all or any portion of the parking facilities required by this article may be located off the site for which the permit is sought if those parking facilities are located no more than 250 feet from a public entrance and that 250 feet is on a clearly delineated pedestrian path or walkway.

(b) No site plan or building permit shall be approved by the director for any off-site parking facility intended to provide 25 percent or less of the parking requirements imposed by this article for that use, unless a principal public entrance for such parking facility is located 500 feet or less from a principal public entrance to the proposed or existing building; provided, however, that parking areas designated for employee parking only may be up to 500 feet from an employee entrance to the structure. All distances shall be measured along sidewalks and other passageways which are intended to be and remain open to the public at all times. In the event that more than one parking facility or building is to be constructed or provided under the requirements of this article, the director, based on recommendations from the

traffic engineer, shall determine compliance with this section on the basis of the distance between a principal entrance of the structure containing the parking facility and a principal entrance of the nearest building to be served by such facility or facilities.

(c) Where off-site parking is proposed in excess of that otherwise permitted in this section, no permit shall become effective, and no use dependent upon such parking shall begin or continue, unless and until a variance has been granted under the provisions of division 5 of this article and until a memorandum of lease (or the complete lease agreement) in recordable form duly signed and acknowledged by the owner of the land to be used for parking shall have been furnished to the city, in form and substance approved by the city's legal department.

(d) The memorandum of lease (or complete lease agreement) shall provide that the leased property shall be used solely for parking purposes and shall insure the continued availability of the off-site parking facilities for the use they are intended to serve. In the event of the termination of the lease or if the leased property which is required to meet the minimum parking requirements ceases to be used for such purpose for whatever reason, immediate steps shall be taken by the holder of the certificate of occupancy to obtain substitute approved parking which will comply with the requirements of this article. If no such acceptable arrangements are made within 90 days, the director may revoke the certificate of occupancy for that use and that use shall cease immediately. Provided, however, that if a holder of a certificate of occupancy has provided for leased property to be used solely for parking purposes as herein provided, and that leased property becomes unavailable through no fault of the holder of the certificate of occupancy or is rendered unusable through no fault of the holder of the certificate of occupancy, that holder must make substitute approved parking arrangements which comply with the provisions of this article within 120 days. If such arrangements are not made within that time frame, the director may revoke the certificate of occupancy for that use and that use shall cease immediately.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-499. Shared parking requirements.

(a) Notwithstanding any other parking requirements of this article, when any parcel of land is proposed to be used for two or more of the distinguishable purposes listed below (i.e. mixed use development), the adjustment of the minimum number of parking spaces required to serve the combination of all occupancies shall be determined in accordance with the following formula:

- (1) Determine the minimum amount of parking required for each occupancy as though it were a separate use;
- (2) Multiply each such amount by the corresponding percentage for each applicable time period showing in the following schedule:

PARKING CREDIT SCHEDULE

	<i>Weekdays</i>			<i>Weekends</i>	
	<i>Nights Midnight— 6 a.m.</i>	<i>Day 9 a.m.— 4 p.m.</i>	<i>Eve. 6 p.m.— Midnight</i>	<i>Day 9 a.m.— 4 p.m.</i>	<i>Eve. 6 p.m.— Midnight</i>
<i>Uses</i>					
Commercial/Retail	5%	50%	90%	100%	70%
Hotel	80%	80%	100%	80%	100%
Office/Industrial	5%	100%	10%	10%	5%
Restaurant	10%	50%	100%	50%	100%
Entertainment/rec- reation (theatres, bowling alleys)	10%	40%	100%	80%	100%
All others	100%	100%	100%	100%	100%

- (3) Calculate the column total for each time period;
 - (4) The column total with the highest value is the parking space requirement.
- (b) In determining whether to approve an adjustment for shared parking, the director shall consider all relevant factors, including:
- (1) The characteristics of each use and the differences in projected peak parking demand, including days or hours of operation.
 - (2) Potential reduction in vehicle movements afforded by multipurpose use of the parking facility by employees, customers or residents of the uses served.
 - (3) Potential improvements in parking facility design, circulation and access afforded by a joint parking facility.
 - (4) Whether space will be conveniently usable without causing unreasonable:
 - a. Hazard to pedestrians.
 - b. Hazard to vehicular traffic.
 - c. Traffic congestion.
 - d. Interference with safe and convenient access to other parking areas in the vicinity.
 - e. Detriment to any residential neighborhood.

- (5) The degree of certainty regarding the continued availability of the shared parking facilities for the uses they are intended to serve.
 - (6) The report and recommendation of the director and the traffic engineer.
 - (c) All requirements and conditions herein imposed upon the shared parking facility, including adequate assurance of the continued availability of the shared parking facilities for the uses they are intended to serve, shall be set out in either of the following ways:
 - (1) Memorandum of lease covering the shared parking facilities restricting the use of said shared parking area for parking purposes only; or
 - (2) A reciprocal easement agreement specifically setting forth the areas which will be used exclusively as parking areas.
- Such written agreement shall be in a form and of a substance approved by the city attorney. The applicable instrument shall be delivered by the applicant, with the appropriate recording fees, to the director for recordation in the real property records of the county in which the property is located. This instrument shall serve as notice to all subsequent purchasers of the existence of a shared parking facility and all requirements associated therewith. If the memorandum of lease or reciprocal easement agreement is removed or superseded in any way by the parties or their successors or assigns, substitute off-street parking must be provided in conformance with the requirements of this article. If no alternate parking facilities are provided as required by this article within 90 days of notice from the city that substitute parking is required, the city may revoke the certificate of occupancy for the applicable building or buildings for the use then existing.
- (d) Public entrances to a mixed use development shall be no more than 500 feet from the closest entrance to the shared parking facility; provided, however, that parking areas designated for employee parking only may be up to 500 feet from an employee entrance to the structure.
 - (e) Parking spaces reserved or to be reserved on a twenty-four-hour basis shall be designated on the applicant's site plan. These spaces shall not be included in the calculation of available spaces to meet the minimum parking space requirements of this article for a shared parking facility.
 - (f) A residential use shall not be eligible for a shared parking adjustment.
 - (g) If a shared parking facility is approved, the permittee shall provide signage providing information clearly indicating the availability of this facility for patrons of participating uses.
 - (h) After a shared parking facility has been approved, any subsequent change, addition or deletion in the original occupancies, or any significant change in intensity of use of such occupancies shall require site plan approval. No certificate of occupancy for the changed occupancies shall be issued without site plan approval for the revised shared parking facility.
- (Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-500. Parking management areas.

(a) The city will permit the creation of parking management districts to accommodate parking needs within certain major activity centers within the city in which there is evidence that parking demand is or can be met on a permanent basis through means other than off-street parking as herein provided. Substituted parking ratios may be approved if the requirements of this section are

met. Under no circumstances, however, shall substituted parking ratios exceed those ratios set out in section 26-492 of this Code.

(b) Areas may be designated as parking management areas upon the written application of the holder(s) of legal interests within the proposed parking management area. That application shall include the following:

- (1) An application fee set by the director to cover administrative expenses of the city related to the creation of a parking management area;
- (2) An application form prescribed by the director including the names and addresses of holder(s) of legal interests in the proposed area;
- (3) A proposed parking management plan which outlines the following within the proposed area:
 - a. Existing land uses and any known proposed uses with the gross floor area or useable floor area and the floor area ratio for each such use;
 - b. Existing and proposed public and private parking facilities;
 - c. Existing and proposed transit facilities or other alternative mode(s) of transportation which will be implemented; the permanency of such transit facilities, or mode(s); the extent of the program and number of vehicles the transit facilities or mode(s) will replace; and other pertinent information or other evidence that current and future parking demand will be met within the boundaries of the proposed area on a permanent basis;
 - d. The approximate number of vehicular trips generated by the uses existing within the proposed area and the average vehicle occupancy;
 - e. Approximate number of people employed within the area and the peak demand hour for parking;
 - f. The approximate number of people who reside within the proposed area;
 - g. Assurances to the city that spillover parking in unrelated neighborhoods

will not occur and a summary of the measures which will be taken to prevent spillover parking; and,

- h. The proposed substituted parking ratios for the area and the bases for those ratios.
- (4) A survey illustrating the boundaries of the proposed area.

(c) The commission shall hold at least one public hearing upon the designation of the area as a parking management area and on the contents of the applicant's proposed parking management plan. Within 45 days after the public hearing, the director shall submit his recommendations to the commission regarding the designation of the area and the proposed substituted parking ratios, if desired, and imposing such additional conditions as are deemed necessary to protect the public health, safety or welfare of the adjacent area and to assure compliance with the objectives of this section.

(d) Within 28 days after the staff report, the commission shall adopt a final report and recommendation to city council regarding the designation of the proposed area, setting out appropriate parking ratios, if desired, and imposing such additional conditions as are deemed necessary to protect the public health, safety or welfare of the adjacent area and to assure compliance with the objectives of this section. In addition, if the commission recommends that a parking management area should be created within the proposed area, the commission's final report to city council, at a minimum, must find that:

- (1) The area has at least two principal land uses;
- (2) The area has at least 3,500,000 square feet of existing gross floor area and an existing floor area ratio of at least 1.0;
- (3) The area is a compact, contiguous tract bounded primarily by major thoroughfares or other physical features within which tract all points are no more than 1,800 feet from an existing transit facility (as herein defined) which is adequate to serve all existing and proposed uses which

are within 1,800 feet from the transit facility as certified by the metropolitan transit authority;

- (4) Parking deficiencies will not result from reduced parking standards, incompatible or competing parking uses or inadequate enforcement and regulation to control temporary changes or maintain exclusive use of the spaces for specified commercial development; and
- (5) If any private sector parking facilities are proposed to be utilized as a basis for substituted parking ratios within a proposed area, the owner or owners of those private sector parking facilities have agreed to the provisions of the city's consent to the creation of the area.

(e) Upon its receipt of the commission's report, the city council may act to approve or disapprove the creation of the proposed parking management area by motion, resolution or ordinance.

(f) The city council hereby finds and declares that the South Main/Texas Medical Center as herein defined meets the prerequisites set out in items (1) through (4) of subsection (d) of this section and hereby approves the creation of a parking management area comprised of this area without the necessity of complying with the procedures set out in subsections (a) through (e) of this section. Due to the unique nature of this area, city council designates the interim substituted parking ratio for this area in the form of a minimum parking ratio of 1.2 spaces per 1,000 square feet of GFA. At no time shall the aggregate available parking within this area be less than this ratio. This ratio shall be applicable to this area for up to three years from the date of passage of this Ordinance No. 89-712. Within this three-year period, the director shall prepare a final parking management plan substantially containing the plan elements set out in item (3) of subsection (b) of this section. Upon at least 15 days' notice in a newspaper of general circulation, the commission shall hold a public hearing on this parking management plan. If the commission finds that this plan indicates that the substitute parking ratio established herein should be altered, the commission may recommend to the city

council that this ratio be revised to reflect the result of the final plan. In no case, however, shall the revised parking ratios exceed those ratios specified in section 26-492 of this Code. Upon the recommendation of the commission, the city council may act to approve or disapprove the revision of this ratio. If no final plan is submitted as required herein, the interim parking ratio established herein shall continue in effect until such time as the final plan is complete and revised parking ratios are established.

(g) The city council hereby finds that the Uptown/Galleria as herein defined meets the prerequisites set out in items (1) through (5) of subsection (d) of this section and hereby approves the creation of a parking management area composed of this area without the necessity of complying with the procedures set out in subsections (a) through (e) of this section. The city council designates the interim parking ratios for this area as follows:

- (1) *Offices*— 2.75 spaces for every 1,000 square feet of usable floor area.
- (2) *Shopping centers (all types)*— 4.0 spaces for every 1,000 square feet of UFA.
- (3) *Hotels*— 1.0 parking spaces for each sleeping room up to 250 rooms plus 0.5 parking spaces for each sleeping room in excess of 250 rooms.
- (4) *Other uses*—See ratios in section 26-492 of this Code.

The interim parking ratios shall be applicable to this area for a period of up to three years from the date of passage of this Ordinance No. 89-712. Within this three-year period, the director shall prepare a final parking management plan substantially containing the plan elements set out in item (3) of subsection (b) of this section. Upon at least 15 days' notice in a newspaper of general circulation, the commission shall hold a public hearing on this parking management plan. If the commission finds that this plan indicates that the substitute parking ratio established herein should be altered, the commission may recommend to city council that this ratio be revised to reflect the results of the final plan. In no case, however, shall the

revised parking ratios exceed those ratios specified in this subsection. Upon the recommendation of the commission, the city council may act to approximate or disapprove the proposed revision of these ratios. If no final plan is submitted as required herein, the interim parking ratios established herein shall continue in effect until such time as the final plan is complete and revised parking ratio are established.

(h) The city council hereby finds and declares that the Greenway Area as herein defined meets the prerequisites set out in items (1) through (5) of subsection (d) of this section and hereby approves the creation of a parking management area composed of this area without the necessity of complying with the procedures set out in subsections (a) through (e) of this section. The ratios applicable to this area shall be those contained in this article until such time as the director shall prepare a final parking management plan substantially containing the plan elements set out in item (3) of subsection (b) of this section. Upon at least 15 days' notice in a newspaper of general circulation, the commission shall hold a public hearing upon this parking management plan. If the commission finds that this plan indicates that the substitute parking ratios established in this article are not appropriate, the commission may recommend that these ratios be revised to reflect the results of the final plan. In no case, however, shall the revised parking ratios exceed those ratios specified in section 26-492 of this Code. Upon the recommendation of the commission, city council may act to approve or disapprove the proposed revision of these ratios.

(i) Review of parking management area designation:

- (1) The designation of a parking management area created hereunder may be reviewed upon petition of:
 - a. 51 percent of the holders of legal interests within the area; or,
 - b. 51 percent of the owners of taxable real property within the area; or,

- c. The owners of taxable real property representing more than 51 percent of the appraised value within an area; or,
- d. Upon motion by the city council or the commission.

(2) Within 60 days of such a petition or motion, the commission shall re-evaluate the area and, if warranted, may recommend that the city council:

- a. Add or change the parking ratios for the area; or
- b. Terminate the area designation.

(3) If the parking ratios are altered or designation of an area is terminated by city council as a result of this re-evaluation, all uses which have been permitted on or before that expiration date shall be permitted to continue to exist except as otherwise provided in this article. All uses permitted after that date shall comply with the revised parking ratios or parking requirements of this article.

(j) An applicant may request that additional tracts be added to a parking management area at any time by following the requirements prescribed by the commission for the addition of land to an area.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Secs. 26-501—26-520. Reserved.

DIVISION 3. LOADING FACILITIES REQUIREMENT

Sec. 26-521. In general.

No building permit shall be issued for the construction or alteration of a building in the categories listed in section 26-522 of this Code unless the building includes the construction of, or provides for, the following required loading berths for that use as shown in section 26-502 of this Code.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-522. Requirements for certain types of occupancies.

The construction or alteration of all buildings for any of the following types of occupancies shall provide the number of loading berths shown below for that type of occupancy.

<i>Classification</i>	<i>Loading Berth Requirements</i>
Class 1. Office:	
a. Up to 300,000 square feet of GFA	None
b. 300,001 to 750,000 square feet of GFA	1.0
c. 750,001 to 1,500,000 square feet of GFA	2.0
d. Over 1,500,001 square feet of GFA	3.0
Class 2. Residential—Apartment:	
a. Up to 35 dwelling units per acre or less than 3 stories which ever is less represents less dwelling units	None
b. More than 35 but less than 50 dwelling units per acre or 3 or more stories, whichever represents less dwelling units	1.0
c. More than 50 dwelling units per acre or 5 or more stories, whichever represents less dwelling units	2.0
Class 3. Residential—Hotel and Motel:	
a. Up to 100,000 square feet of GFA	None
b. 100,001 square feet to 200,000 square feet of GFA	1.0
c. 200,001 square feet to 300,000 square feet of GFA	2.0
d. Over 300,001 square feet of GFA	3.0
Class 4. Retail Services:	
a. Up to 10,000 square feet of GFA	None
b. 10,000 square feet to 60,000 square feet of GFA	1.0
c. Each additional 60,000 square feet or part thereof of GFA	1.0
Class 5. Industrial, Commercial and Manufacturing:	
a. Up to 50,000 square feet of GFA	None
b. 50,001 to 100,000 square feet of GFA	1.0
c. 100,001 to 400,000 square feet of GFA	2.0
d. Over 400,001 square feet of GFA	3.0
Class 6. Restaurant, Bars and Lounges:	
a. 25,000 square feet to 50,000 square feet of GFA	1.0
b. Each additional 50,000 square feet of GFA	1.0

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-523. Standards for loading berths constructed at grade.

(a) Each loading berth provided hereunder and constructed at grade must be a minimum of ten feet wide and 55 feet long. Where a loading berth

is to be constructed at grade and adjacent to a major thoroughfare or major collector street, the property owner shall provide an additional 40-foot maneuvering length on-site if one loading berth is required or, if more than one loading

berth is required hereunder, one additional 40-foot maneuvering length on-site for each two loading berths.

(b) The director may reduce required stall length and maneuvering length if the property owner demonstrates that known delivery vehicles can park and maneuver within the proposed loading and maneuvering spaces so that no part of a vehicle using or maneuvering into the loading berth will project into a public right-of-way, access easement or private street.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Secs. 26-524—26-540. Reserved.

DIVISION 4. BUILDING PERMITS

Sec. 26-541. Review of building permit.

(a) The director shall review building permit applications for the construction or alteration of a building to determine if the proposed building or alteration of a building complies with the following:

- (1) The building permit application identifies the proposed structure and its proposed use.
- (2) The plans for the building or alteration provides at least the minimum number of parking and loading facilities required by divisions 2 and 3 of this article.
- (3) When required by this article, the applicant has executed the appropriate documents for an off-site parking facility and presented to the director a certified copy of these documents as recorded in the real property records of the county in which the property is located.
- (4) Whenever a building or structure includes a drive-in or drive-through facility, the director has reviewed and approved the configuration of the parking lots and stalls. The traffic engineer shall also review the site plan and make recommendations to the director regarding these facilities.

- (5) The director has approved the site plan where a development plat has been filed with the city or he has approved the building permit application for a site for which a subdivision plat has been filed.

(b) The director shall approve a building permit application which complies with the provisions of this article and all other provisions of the ordinances of the City of Houston.

(c) The director shall deny in writing all building permit applications that do not comply with the provisions of this article.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-542. Appeal of denial of building permits.

Appeals from the denial of a building permit for non-compliance with this article shall be reviewed in the same manner as subdivision plat variances are reviewed under section 42-81 of this Code.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Secs. 26-543—26-560. Reserved.

DIVISION 5. VARIANCES

Sec. 26-561. Variance procedure.

(a) An applicant for a building permit may make written application to the director for a variance from the requirements of this article. A completed application for a variance shall include:

- (1) Completed application form supplied by the city;
- (2) A non-refundable fee of \$942.00; and
- (3) A complete notice in the form set out in Appendix A to Ordinance No. 89-712 to be mailed to all property owners.

This application package shall be reviewed by the department.

(b) Within seven days of the date the application is accepted, the director shall forward a copy of the application to the traffic engineer who shall file his report and recommendations regarding

the proposed variance with the secretary of the commission. The city shall mail copies of the notices supplied by the applicant to adjacent property owners within a 500-foot radius of the site for which building permit is sought, within ten days of the date on which the variance will be considered by the commission. The city's failure to mail such notice or failure of the property owner(s) to receive such notice shall not invalidate or affect a variance acted upon by the commission.

(c) A staff report regarding the variance request shall be provided to the commission prior to the meeting at which the variance shall be considered.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-562. Standards for variances.

(a) The commission is authorized to consider and grant variances from the provisions of this article by majority vote of those members present and voting, when the commission determines that the first five of the following conditions exist, and if applicable, the sixth condition, exists:

- (1) The imposition of the terms, rules, conditions, policies and standards of this article would deprive the owner or applicant of the property of reasonable use of the land or building;
- (2) That the circumstances supporting the granting of the variance are not the result of a hardship imposed or created by the applicant and that in granting the variance the general purposes of this article are being observed and maintained;
- (3) The intent of this article is preserved;
- (4) The parking provided will be sufficient to serve the use for which it is intended;
- (5) The granting of such a variance will not be injurious to the public health, safety or welfare; and
- (6) For a development that is subject to the requirements of article VII, chapter 33, of this Code, the granting of the variance is necessary to accomplish the purposes of a

certificate of appropriateness issued pursuant to article VII, chapter 33, of this Code.

(b) In addition, if the variance involves an off-site parking facility, the commission must determine that a proposed off-site parking facility will be located so that it will adequately serve the use for which it is intended. In making this determination, the following factors, among other things, shall be considered:

- (1) The location of the proposed building and the proposed off-site parking facility.
- (2) Existing and potential parking demand created by other occupancies in the vicinity.
- (3) The characteristics of the occupancy, including employee and customer parking demand, hours of operation, and projected convenience and frequency of use of the off-site parking.
- (4) Adequacy, convenience, and safety of pedestrian access between off-site parking and the occupancy.
- (5) Traffic patterns on adjacent streets, and proposed access to the off-site parking.
- (6) The report and recommendation of the director and the traffic engineer.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-563. Applicability of variance.

Any variance granted under the provisions of this section will apply only to the specific property and use upon which the commission was requested to grant a variance by the applicant and shall not constitute a change of this article or any part hereof. All variances as granted shall be in writing, shall be signed by the secretary of the commission and maintained as a permanent record of the commission.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Secs. 26-564—26-580. Reserved.

**DIVISION 6. CONSTRUCTION AND
MAINTENANCE**

Sec. 26-581. Construction standard for parking facilities.

All parking facilities to be constructed hereunder shall be constructed in accordance with applicable provisions of the Construction Code. In addition, the following basic standards for paving and drainage shall be observed:

- (1) Parking and loading facilities shall be surfaced and maintained with asphaltic, concrete, or allweather surfacing or other permanent hard surfacing material sufficient to prevent the accumulation of mud, dust or loose material. Materials may be pervious.
- (2) All parking and loading facilities shall be graded and provided with permanent storm drainage facilities that meet the construction specifications set by the city engineer. Surfacing, curbing and drainage improvements shall be sufficient to preclude free flow of water onto adjacent properties or public streets or alleys and to provide adequate drainage.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)

Sec. 26-582. Safety standards for parking facilities.

(a) All parking and loading facilities provided hereunder shall meet the following safety standards:

- (1) Safety barriers, protective bumpers or curbing, and directional markers have been provided to assure safety, efficient utilization, protection to landscaping, and to prevent encroachment onto adjoining public or private property.
- (2) Motorist visibility of pedestrians, bicyclists, and other vehicles shall be assured when entering individual parking spaces, when circulating within a parking facility, and when entering and exiting a parking facility.
- (3) Internal circulation patterns, and the location and traffic direction of all access

drives, shall be designed and maintained in accordance with accepted principles of traffic engineering and traffic safety.

(b) All parking and loading facilities shall be maintained to assure desirability and usefulness of the facility. Such facilities shall be maintained free of refuse, debris or other accumulated matter and shall at all times be available for the off-street parking or loading use for which they are required or intended.

(Ord. No. 07-464, § 7(Exh. B), 4-11-07)